

ASSEMBLY, No. 2259

STATE OF NEW JERSEY

INTRODUCED JULY 18, 1996

By Assemblymen **KELLY, O'TOOLE**, Assemblywoman **Bark**,
Assemblymen **Doria, T. Smith**, Assemblywoman **J. Smith**,
Assemblymen **Azzolina, Kavanaugh, Blee, LeFevre**,
Assemblywomen **Farragher, Heck** and Assemblyman **Cottrell**

1 AN ACT concerning the licensure of hospices, amending P.L.1992,
2 c.160 and supplementing Title 26 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. (New section) As used in this act, "hospice care program"
8 means a coordinated program of home, outpatient, and inpatient care
9 and services that is operated by a person or public agency and that
10 provides care and services to hospice patients and to hospice patients'
11 families, through a medically directed interdisciplinary team, under
12 interdisciplinary plans of care in order to meet the physical,
13 psychological, social, spiritual, and other special needs that are
14 experienced during the final stages of illness, dying, and bereavement.

15 A hospice care program shall provide the following care and services:

16 a. Nursing care by or under the supervision of a registered
17 professional nurse;

18 b. Physical, occupational, or speech or language therapy;

19 c. Medical social services by a licensed social worker under the
20 direction of a physician;

21 d. Services of a certified home health aide;

22 e. Medical supplies, including drugs and biologicals, and the use of
23 medical appliances related to terminal diagnosis;

24 f. Physician's services;

25 g. Short-term inpatient care, including both palliative and respite
26 care and procedures;

27 h. Spiritual and other counseling for hospice patients and hospice
28 patients' families;

29 i. Services of volunteers under the direction of the provider of the
30 hospice care program; and

31 j. Bereavement services for hospice patients' families.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 2. (New section) a. A hospice care program shall not operate in
2 this State unless it possesses a valid license issued by the Department
3 of Health pursuant to this act.

4 b. Application for a license for a hospice care program shall be
5 made upon forms prescribed by the department. The department shall
6 charge such nonrefundable fees for the filing of an application for a
7 license and any renewal thereof, as it shall from time to time fix in
8 regulations, except the amount of this fee shall not exceed \$2,000.
9 The application shall contain the name of the hospice care program
10 and such other information as the department may require.

11 c. The department shall issue a license to a hospice care program,
12 subject to the provisions of subsection d. of this section, upon its
13 finding that the personnel, including principals and management,
14 finances, rules and bylaws, and standards of hospice care are fit and
15 adequate and there is reasonable assurance the hospice care program
16 will be operated in the manner required by this act and rules and
17 regulations adopted by the department.

18 d. The department shall not issue a license to a hospice care
19 program unless the program provides written documentation that it is
20 currently certified for participation in the federal Medicare program
21 established pursuant to the federal Social Security Act, Pub. L. 89-97
22 (42 U.S.C. §1395 et seq.).

23 e. A nursing home licensed pursuant to the "Health Care Facilities
24 Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.) that does not hold
25 itself out to be a hospice, does not hold itself out as providing a
26 hospice care program, does not use the term hospice to describe or
27 refer to its activities or facilities, and does not provide all of the
28 services enumerated in section 1 of this act is not subject to the
29 licensing provisions of this act.

30

31 3. Section 19 of P.L.1992, c.160 (C.26:2H-7a) is amended to read
32 as follows:

33 19. Notwithstanding the provisions of section 7 of P.L.1971, c.136
34 (C.26:2H-7) to the contrary, the following are exempt from the
35 certificate of need requirement:

36 Community-based primary care centers;

37 Outpatient drug and alcohol services;

38 Ambulance and invalid coach services;

39 Mental health services which are non-bed related outpatient
40 services;

41 Changes in residential health care facility services;

42 Mandatory renovations to existing facilities;

43 Mandatory replacement of fixed or moveable equipment;

44 Transfer of ownership interest except in the case of an acute care
45 hospital, or a long-term care facility in which the owner does not
46 satisfy the Department of Health's review of the owner's prior

- 1 operating experience as well as any requirements established by the
2 federal government pursuant to Titles XVIII and XIX of the Social
3 Security Act;
4 Change of site for approved certificate of need within the same
5 county;
6 Relocation or replacement of a health care facility within the same
7 county, except for an acute care hospital;
8 Continuing care retirement communities authorized pursuant to
9 P.L.1986, c.103 (C.52:27D-330 et seq.);
10 Acquisition by a hospital of a magnetic resonance imager that is
11 already in operation in the State by another health care provider or
12 entity;
13 Adult day health care facilities;
14 Pediatric day health care facilities; [and]
15 Chronic renal dialysis facilities ; and
16 Hospice care programs licensed pursuant to section 2 of P.L. .
17 c. (C.) (pending before the Legislature as this bill).
18 (cf: P.L.1992, c.160, s.19)

19
20 4. This act shall take effect on the 180th day after the date of
21 enactment.

22 23 24 STATEMENT

25
26 This bill establishes a licensing program in the Department of
27 Health for hospice care programs. Only those hospice care programs
28 which are certified as meeting conditions for Medicare participation
29 will qualify for licensure under the bill.

30 A "hospice care program" is defined as a coordinated program of
31 home, outpatient and inpatient care and services that provides care and
32 services to meet the physical, psychological, social, spiritual, and other
33 special needs that are experienced during the final stages of illness,
34 dying, and bereavement. A hospice care program will be required to
35 provide the following care and services: nursing care; physical,
36 occupational, or speech or language therapy; medical social services;
37 home health aide services; medical supplies and the use of medical
38 appliances; physician's services; short-term inpatient care; counseling
39 services; services of volunteers; and bereavement services.

40 Pursuant to the bill, a hospice care program will not be permitted
41 to operate without a valid license from the Department of Health.

42 In addition, the bill specifically exempts hospice care programs from
43 the certificate of need requirement.

- 1 _____
- 2
- 3 Establishes a licensing program for hospice care programs.