

[First Reprint]  
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, Assemblyman Cottrell,  
Assemblywoman Allen, Assemblymen Bucco, Caraballo,  
DeSopo, Gibson, Wolfe, Assemblywomen Wright, Quigley,  
Weinberg, Assemblymen Lance, Greenwald, Senators Sinagra,  
Singer, Bryant, Bassano, Bennett, Codey and Cafiero

1 AN ACT concerning the licensure of hospices<sup>1</sup>[, amending P.L.1992,  
2 c.160]<sup>1</sup> 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. <sup>1</sup>[(New section)]<sup>1</sup> 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 <sup>1</sup>[person or]<sup>1</sup> public agency <sup>1</sup>or  
10 private organization, or subdivision of either of these entities.<sup>1</sup> and  
11 that provides care and services to hospice patients and to hospice  
12 patients' families, through a medically directed interdisciplinary team,  
13 under interdisciplinary plans of care in order to meet the physical,  
14 psychological, social, spiritual, and other special needs that are  
15 experienced during the final stages of illness, dying, and bereavement.  
16 A hospice care program shall provide the following care and services:  
17 a. Nursing care by or under the supervision of a registered  
18 professional nurse;  
19 b. Physical, occupational, or speech or language therapy;  
20 c. Medical social services by a <sup>1</sup>certified or<sup>1</sup> licensed social worker  
21 under the direction of a physician;  
22 d. Services of a certified home health aide;  
23 e. Medical supplies, including drugs and biologicals, and the use of  
24 medical appliances related to terminal diagnosis;

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AHL committee amendments adopted November 7, 1996.

- 1 f. Physician's services;
- 2 g. Short-term inpatient care, including both palliative and respite  
3 care and procedures;
- 4 h. Spiritual and other counseling for hospice patients and hospice  
5 patients' families;
- 6 i. Services of volunteers under the direction of the provider of the  
7 hospice care program; and
- 8 j. Bereavement services for hospice patients' families.

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10 2. <sup>1</sup>[(New section)]<sup>1</sup> a. A hospice care program shall not operate  
11 in this State unless it possesses a valid license issued by the  
12 Department of Health <sup>1</sup>and Senior Services<sup>1</sup> pursuant to this act.

13 <sup>1</sup>No public agency or private organization shall assume, represent  
14 itself as or use the word "hospice" or any modification or derivative  
15 thereof, unless the agency or organization is licensed pursuant to this  
16 act.<sup>1</sup>

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

24 c. <sup>1</sup>[The department shall issue a license to a hospice care  
25 program, subject to the provisions of subsection d. of this section,  
26 upon its finding that the personnel, including principals and  
27 management, finances, rules and bylaws, and standards of hospice care  
28 are fit and adequate and there is reasonable assurance the hospice care  
29 program will be operated in the manner required by this act and rules  
30 and regulations adopted by the department.

31 d.]<sup>1</sup> The department shall <sup>1</sup>[not] only<sup>1</sup> issue a license to a hospice  
32 care program <sup>1</sup>[unless the program] that<sup>1</sup> provides written  
33 documentation that it is <sup>1</sup>[currently]<sup>1</sup> certified for participation in the  
34 federal Medicare program established pursuant to the federal Social  
35 Security Act, Pub. L. 89-97 (42 U.S.C. §1395 et seq.).

36 <sup>1</sup>[e.] d.<sup>1</sup> A nursing home licensed pursuant to the "Health Care  
37 Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.) that does  
38 not hold itself out to be a hospice, does not hold itself out as providing  
39 a hospice care program, does not use the term hospice to describe or  
40 refer to its activities or facilities, and does not provide all of the  
41 services enumerated in section 1 of this act is not subject to the  
42 licensing provisions of this act.

43 <sup>1</sup>e. A hospice care program licensed pursuant to this act shall not  
44 be subject to the certificate of need requirements of P.L.1971, c.136  
45 (C.26:2H-1 et seq.).<sup>1</sup>

1 3. <sup>1</sup>[Section 19 of P.L.1992, c.160 (C.26:2H-7a) is amended to  
2 read as follows:

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

6 Community-based primary care centers;  
7 Outpatient drug and alcohol services;  
8 Ambulance and invalid coach services;  
9 Mental health services which are non-bed related outpatient  
10 services;

11 Changes in residential health care facility services;

12 Mandatory renovations to existing facilities;

13 Mandatory replacement of fixed or moveable equipment;

14 Transfer of ownership interest except in the case of an acute care  
15 hospital, or a long-term care facility in which the owner does not  
16 satisfy the Department of Health's review of the owner's prior  
17 operating experience as well as any requirements established by the  
18 federal government pursuant to Titles XVIII and XIX of the Social  
19 Security Act;

20 Change of site for approved certificate of need within the same  
21 county;

22 Relocation or replacement of a health care facility within the same  
23 county, except for an acute care hospital;

24 Continuing care retirement communities authorized pursuant to  
25 P.L.1986, c.103 (C.52:27D-330 et seq.);

26 Acquisition by a hospital of a magnetic resonance imager that is  
27 already in operation in the State by another health care provider or  
28 entity;

29 Adult day health care facilities;

30 Pediatric day health care facilities; [and]

31 Chronic renal dialysis facilities ; and

32 Hospice care programs licensed pursuant to section 2 of P.L. \_\_\_\_\_,

33 c. \_\_\_\_\_ (C. \_\_\_\_\_)(pending before the Legislature as this bill).

34 (cf: P.L.1992, c.160, s.19)]

35 The Commissioner of Health and Senior Services shall adopt rules  
36 and regulations pursuant to the "Administrative Procedure Act,"  
37 P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to carry out the  
38 provisions of this act.<sup>1</sup>

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40 4. This act shall take effect on the 180th day after the date of  
41 enactment.

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46 Establishes a licensing program for hospice care programs.