

Title 26.
Chapter 2H.
Part V. Hospices
§§1-3 - C.26:2H-79
to 26:2H-81
§4-Note to §§1-3

P.L. 1997, CHAPTER 78, *approved April 24, 1997*
Assembly, No. 2259 (*First Reprint*)

1 AN ACT concerning the licensure of hospices¹[, amending P.L.1992,
2 c.160]¹ 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. ¹[(New section)]¹ 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 ¹[person or]¹ public agency ¹or
10 private organization, or subdivision of either of these entities.¹ 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 ¹certified or¹ 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;
25 f. Physician's services;
26 g. Short-term inpatient care, including both palliative and respite

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:

¹ Assembly AHL committee amendments adopted November 7, 1996.

1 care and procedures;

2 h. Spiritual and other counseling for hospice patients and hospice
3 patients' families;

4 i. Services of volunteers under the direction of the provider of the
5 hospice care program; and

6 j. Bereavement services for hospice patients' families.

7

8 2. ¹[(New section)]¹ a. A hospice care program shall not operate
9 in this State unless it possesses a valid license issued by the
10 Department of Health ¹and Senior Services¹ pursuant to this act.

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

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

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

29 d.]¹ The department shall ¹[not] only¹ issue a license to a hospice
30 care program ¹[unless the program] that¹ provides written
31 documentation that it is ¹[currently]¹ certified for participation in the
32 federal Medicare program established pursuant to the federal Social
33 Security Act, Pub. L. 89-97 (42 U.S.C. §1395 et seq.).

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

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

44

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

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

4 Community-based primary care centers;

5 Outpatient drug and alcohol services;

6 Ambulance and invalid coach services;

7 Mental health services which are non-bed related outpatient
 8 services;

9 Changes in residential health care facility services;

10 Mandatory renovations to existing facilities;

11 Mandatory replacement of fixed or moveable equipment;

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

18 Change of site for approved certificate of need within the same
 19 county;

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

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

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

27 Adult day health care facilities;

28 Pediatric day health care facilities; [and]

29 Chronic renal dialysis facilities ; and

30 Hospice care programs licensed pursuant to section 2 of P.L. _____,
 31 c. _____(pending before the Legislature as this bill).

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

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

37
 38 4. This act shall take effect on the 180th day after the date of
 39 enactment.

40
 41
 42 _____
 43
 44 Establishes a licensing program for hospice care programs.