

SENATE, No. 1620

STATE OF NEW JERSEY

INTRODUCED OCTOBER 28, 1996

By Senator SINAGRA

1 AN ACT concerning the licensure of hospices and supplementing Title
2 26 of the Revised Statutes.

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

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7 1. As used in this act, "hospice care program" means a coordinated
8 program of home, outpatient, and inpatient care and services that is
9 operated by a public agency or private organization, or subdivision of
10 either of these entities, and that provides care and services to hospice
11 patients and to hospice patients' families, through a medically directed
12 interdisciplinary team, under interdisciplinary plans of care in order to
13 meet the physical, psychological, social, spiritual, and other special
14 needs that are experienced during the final stages of illness, dying, and
15 bereavement. A hospice care program shall provide the following care
16 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 certified or 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
27 care and procedures;

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

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

32 j. Bereavement services for hospice patients' families.

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34 2. a. A hospice care program shall not operate in this State unless
35 it possesses a valid license issued by the Department of Health and
36 Senior Services pursuant to this act.

37 No public agency or private organization shall assume, represent

1 itself as or use the word "hospice" or any modification or derivative
2 thereof, unless the agency or organization is licensed pursuant to this
3 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 only issue a license to a hospice care
12 program that provides written documentation that it is certified for
13 participation in the federal Medicare program established pursuant to
14 the federal Social Security Act, Pub. L.89-97 (42 U.S.C. §1395 et
15 seq.).

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

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

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

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

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STATEMENT

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38 This bill establishes a licensing program in the Department of
39 Health and Senior Services for hospice care programs. Only those
40 hospice care programs that are certified as meeting conditions for
41 Medicare participation will qualify for licensure under the bill.

42 A "hospice care program" is defined as a coordinated program of
43 home, outpatient and inpatient care and services that provides care and
44 services to meet the physical, psychological, social, spiritual, and other
45 special needs that are experienced during the final stages of illness,
46 dying, and bereavement. A hospice care program will be required to

1 provide the following care and services: nursing care; physical,
2 occupational, or speech or language therapy; medical social services;
3 home health aide services; medical supplies and the use of medical
4 appliances; physician's services; short-term inpatient care; counseling
5 services; services of volunteers; and bereavement services.

6 Pursuant to the bill, a hospice care program will not be permitted
7 to operate in the State without a valid license from the Department of
8 Health and Senior Services. Also, an agency or organization will not
9 be permitted to assume, represent itself as or use the word "hospice"
10 or any modification or derivative thereof, unless the agency or
11 organization is licensed by the department.

12 In addition, the bill provides that hospice care programs licensed
13 under the bill are not subject to the State's certificate of need
14 requirement for health care facilities.

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19 Establishes a licensing program for hospice care programs.