
By: **Chairman, Environmental Matters Committee (Departmental - Health and Mental Hygiene)**

Introduced and read first time: January 20, 1999

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Hospice Facilities - Inspections**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to
4 conduct an annual inspection of each hospice facility for certain purposes;
5 clarifying the Department's authority to perform complaint investigations under
6 certain circumstances; and generally relating to the inspection of hospice care
7 facilities.

8 BY repealing and reenacting, without amendments,
9 Article - Health - General
10 Section 19-901(c)
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1998 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Health - General
15 Section 19-903
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 1998 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Health - General**

21 19-901.

22 (c) "Hospice facility" means a facility that:

23 (1) Provides a hospice care program;

24 (2) Is separate from any other facility; and

25 (3) Admits at least 2 individuals who:

- 1 (i) Are unrelated; and
2 (ii) Have no reasonable prospect of a cure.

3 19-903.

4 (a) (1) The Secretary shall adopt regulations to carry out the provisions of
5 this subtitle.

6 (2) The regulations for general hospice care programs shall set standards
7 for general hospice care programs that are comparable to the standards established
8 by the National Hospice Organization.

9 (3) The Secretary, by regulation, after consultation with interested
10 groups, including The Hospice Network of Maryland, Inc., shall establish standards
11 for the operation of a hospice care program.

12 (b) (1) The regulations shall set qualifications for medical directors of
13 hospices. A medical director of a hospice care program need not be an employee or a
14 contractee of a hospice care program.

15 (2) The regulations for a hospice facility shall require:

16 (i) The medical director to be a physician licensed to practice
17 medicine in this State;

18 (ii) The dietary, nursing, pastoral care, pharmaceutical, and social
19 worker services to be adequate; and

20 (iii) A physician other than an attending physician to be on call and
21 available at all times.

22 (3) The regulations for a home-based hospice care program shall
23 require:

24 (i) The medical director to be a physician licensed to practice
25 medicine in this State;

26 (ii) The provision of bereavement services;

27 (iii) The provision of services to meet the spiritual or social needs of
28 dying individuals and their families;

29 (iv) The provision of palliative and supportive medical, nursing, and
30 other health services:

31 1. Directly or by contract for a general licensee; or

32 2. By referral only for a limited licensee;

1 (v) Submission of an annual report which includes service
2 utilization statistics in the format prescribed;

3 (vi) Written transfer agreements to provide acute inpatient care as
4 needed; and

5 (vii) Minimum standards concerning the training and role of
6 volunteers in a hospice care program.

7 (C) (1) THE DEPARTMENT SHALL CONDUCT AN ANNUAL INSPECTION OF
8 EACH HOSPICE FACILITY TO ASSURE COMPLIANCE WITH THIS SUBTITLE AND THE
9 REGULATIONS ADOPTED UNDER THIS SUBTITLE.

10 (2) EACH HOSPICE FACILITY SHALL BE OPEN TO INSPECTIONS BY THE
11 DEPARTMENT TO INVESTIGATE AND RESOLVE ANY COMPLAINT CONCERNING
12 PATIENT CARE OR CONFORMANCE TO THE REQUIREMENTS OF THIS SUBTITLE AND
13 THE REGULATIONS ADOPTED UNDER THIS SUBTITLE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1999.