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

Introduced and read first time: January 20, 1999
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 24, 1999

CHAPTER _____

1 AN ACT concerning

2 **Hospice Facilities and Hospice Care Programs - Inspections**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to
4 conduct an annual inspection of each hospice facility and each hospice care
5 program for certain purposes; establishing certain procedures through which
6 the Department may conduct an inspection in the home of a hospice patient
7 under certain circumstances; requiring the Department to adopt certain
8 regulations; clarifying the Department's authority to perform complaint
9 investigations under certain circumstances; and generally relating to the
10 inspection of hospice care facilities and hospice care programs.

11 BY repealing and reenacting, without amendments,
12 Article - Health - General
13 Section 19-901(e)
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1998 Supplement)

16 ~~BY repealing and reenacting, with amendments,~~
17 ~~Article - Health - General~~
18 ~~Section 19-903~~
19 ~~Annotated Code of Maryland~~
20 ~~(1996 Replacement Volume and 1998 Supplement)~~

21 BY adding to
22 Article - Health - General

1 Section 19-907.1
2 Annotated Code of Maryland
3 (1996 Replacement Volume and 1998 Supplement)

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

6 **Article - Health - General**

7 19-901.

8 (a) In this subtitle the following words have the meanings indicated.

9 (b) "Home-based hospice care program" means a program that directly or
10 through a contractual arrangement provides a hospice care program in the residence
11 of the patient.

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

13 (1) Provides a hospice care program;

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

15 (3) Admits at least 2 individuals who:

16 (i) Are unrelated; and

17 (ii) Have no reasonable prospect of a cure.

18 (d) "General hospice care program" means a coordinated, interdisciplinary
19 program of hospice care services for meeting the special physical, psychological,
20 spiritual, and social needs of dying individuals and their families, by providing
21 palliative and supportive medical, nursing, and other health services through home or
22 inpatient care during the illness and bereavement:

23 (1) To individuals who have no reasonable prospect of cure as estimated
24 by a physician; and

25 (2) To the families of those individuals.

26 (e) "General license" means a license issued by the Secretary to operate a
27 general hospice care program.

28 (f) "Limited hospice care program" means a coordinated, interdisciplinary
29 program of hospice care services for meeting the special physical, psychological,
30 spiritual, and social needs of dying individuals and their families, by providing
31 palliative and supportive nonskilled services through a home-based hospice care
32 program during illness and bereavement:

1 (1) To individuals who have no reasonable prospect of cure as estimated
 2 by a physician; and

3 (2) To the families of those individuals.

4 (g) "Limited license" means a license issued by the Secretary to operate a
 5 limited hospice care program.

6 ~~19-903.-~~

7 (a) (1) ~~The Secretary shall adopt regulations to carry out the provisions of~~
 8 ~~this subtitle.~~

9 (2) ~~The regulations for general hospice care programs shall set standards~~
 10 ~~for general hospice care programs that are comparable to the standards established~~
 11 ~~by the National Hospice Organization.~~

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

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

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

19 (i) ~~The medical director to be a physician licensed to practice~~
 20 ~~medicine in this State;~~

21 (ii) ~~The dietary, nursing, pastoral care, pharmaceutical, and social~~
 22 ~~worker services to be adequate; and~~

23 (iii) ~~A physician other than an attending physician to be on call and~~
 24 ~~available at all times.~~

25 (3) ~~The regulations for a home based hospice care program shall~~
 26 ~~require:~~

27 (i) ~~The medical director to be a physician licensed to practice~~
 28 ~~medicine in this State;~~

29 (ii) ~~The provision of bereavement services;~~

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

32 (iv) ~~The provision of palliative and supportive medical, nursing, and~~
 33 ~~other health services;~~

34 1. ~~Directly or by contract for a general licensee; or~~

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