

26:2H-79 to 26:2H-81

LEGISLATIVE HISTORY CHECKLIST
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(Hospices--licensure)

NJSA: 26:2H-79 to 26:2H-81

LAWS OF: 1997 CHAPTER: 78

BILL NO: A2259

SPONSOR(S): Kelly and others

DATE INTRODUCED: July 18, 1996

COMMITTEE: ASSEMBLY: Health

SENATE: Health

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: December 12, 1996

SENATE: March 10, 1997

DATE OF APPROVAL: April 24, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS:

KBP:pp

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[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 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. **'[(New section)]'** 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 **'[person or]'** 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;

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 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.

9

10 2. ¹[(New section)]¹ 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 ¹and Senior Services¹ pursuant to this act.

13 ¹No 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.¹

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. ¹[(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.]¹ The department shall ¹[not] only¹ issue a license to a hospice
32 care program ¹[unless the program] that¹ provides written
33 documentation that it is ¹[currently]¹ 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 ¹[e.] d.¹ 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 ¹e. 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.).¹

1 3. ¹ [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. ¹

39

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

42

43

44

45

46 Establishes a licensing program for hospice care programs.

1 operating experience as well as any requirements established by the
2 federal government pursuant to Titles XVIII and XIX of the Social
3 Security Act;

4 Change of site for approved certificate of need within the same
5 county;

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

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

10 Acquisition by a hospital of a magnetic resonance imager that is
11 already in operation in the State by another health care provider or
12 entity;

13 Adult day health care facilities;

14 Pediatric day health care facilities; **[and]**

15 Chronic renal dialysis facilities ; and

16 Hospice care programs licensed pursuant to section 2 of P.L. __,
17 c. ____ (C. ____)(pending before the Legislature as this bill).

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

19

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

22

23

24

STATEMENT

25

26 This bill establishes a licensing program in the Department of
27 Health for hospice care programs. Only those hospice care programs
28 which are certified as meeting conditions for Medicare participation
29 will qualify for licensure under the bill.

30 A "hospice care program" is defined as a coordinated program of
31 home, outpatient and inpatient care and services that provides care and
32 services to meet the physical, psychological, social, spiritual, and other
33 special needs that are experienced during the final stages of illness,
34 dying, and bereavement. A hospice care program will be required to
35 provide the following care and services: nursing care; physical,
36 occupational, or speech or language therapy; medical social services;
37 home health aide services; medical supplies and the use of medical
38 appliances; physician's services; short-term inpatient care; counseling
39 services; services of volunteers; and bereavement services.

40 Pursuant to the bill, a hospice care program will not be permitted
41 to operate without a valid license from the Department of Health.

42 In addition, the bill specifically exempts hospice care programs from
43 the certificate of need requirement.

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2259

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 7, 1996

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 2259.

As amended by the committee, this bill establishes a licensing program in the Department of Health and Senior Services for hospice care programs. Only those hospice care programs which are certified as meeting conditions for Medicare participation will qualify for licensure under the bill.

A "hospice care program" is defined as a coordinated program of home, outpatient and inpatient care and services that provides care and services to meet the physical, psychological, social, spiritual, and other special needs that are experienced during the final stages of illness, dying, and bereavement. A hospice care program will be required to provide the following care and services: nursing care; physical, occupational, or speech or language therapy; medical social services; home health aide services; medical supplies and the use of medical appliances; physician's services; short-term inpatient care; counseling services; services of volunteers; and bereavement services.

Pursuant to the bill, a hospice care program will not be permitted to operate without a valid license from the Department of Health and Senior Services.

In addition, the bill specifically exempts hospice care programs from the certificate of need requirement.

The committee amendments provide that:

- a hospice care program may be operated by a public agency or private organization, or subdivision of either, which is consistent with federal Medicare law governing hospices;
- the medical social services offered by the hospice may be provided by a certified or licensed social worker;
- no public agency or private organization shall assume, represent itself as or use the word "hospice" or any modification or derivative thereof, unless the agency or organization is licensed pursuant to this bill; and
- the Commissioner of Health and Senior Services shall adopt rules and regulations to carry out the provisions of this bill.

SENATE HEALTH COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2259

STATE OF NEW JERSEY

DATED: JANUARY 23, 1997

The Senate Health Committee reports favorably Assembly Bill No. 2259 (1R).

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

A "hospice care program" is defined as a coordinated program of home, outpatient and inpatient care and services that provides care and services to meet the physical, psychological, social, spiritual, and other special needs that are experienced during the final stages of illness, dying, and bereavement. A hospice care program will be required to provide the following care and services: nursing care; physical, occupational, or speech or language therapy; medical social services; home health aide services; medical supplies and the use of medical appliances; physician's services; short-term inpatient care; counseling services; services of volunteers; and bereavement services.

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

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

This bill is identical to Senate Bill No. 1620 (Sinagra), which the committee also reported favorably on this date.

LEGISLATIVE FISCAL ESTIMATE TO

[First Reprint]

ASSEMBLY, No. 2259

STATE OF NEW JERSEY

DATED: DECEMBER 10, 1996

Assembly Bill No. 2259 (1R) of 1996 establishes a licensing program in the Department of Health and Senior Services for hospice care programs. Only those hospice care programs which are certified for participation in the federal Medicare program would qualify for licensure and only those hospice care programs that have a license issued by the department would be permitted to operate in the State. The bill defines a "hospice care program" as a coordinated program of home, outpatient and inpatient care and services operated by a public agency, private organization, or subdivision of either of these entities, that provides care and services to meet the physical, psychological, social, spiritual and other special needs that are experienced during the final stages of illness, dying and bereavement. The care and services a hospice care program would be required to provide are also delineated in the bill. The bill further allows the department to charge a nonrefundable fee for the filing of an application for a license for a hospice care program, as fixed by regulations and not exceeding \$2,000.

The Department of Health and Senior Services and the Office of Management and Budget have not provided any fiscal information on the legislation.

The Office of Legislative Services estimates that this bill will have little fiscal impact. There are currently 44 Medicare-certified hospices in New Jersey that would be eligible to apply to the department for licensure. As the department may charge a filing fee to each applicant of up to \$2,000, these fees should be adequate to cover the costs of the application process with no additional cost to the State. However, the total cost of implementing this bill cannot be determined at this time as it is dependent on the department's degree of participation in the licensure process with regard to investigations and inspections, beyond that required by federal Medicare standards, prior to issuance of a license and periodically thereafter.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

As reported by the committee, this bill is identical to Senate Bill No. 1620 (Sinagra), which is currently pending in the Senate Health Committee.