



House of Representatives

File No. 615

General Assembly

February Session, 2004

(Reprint of File No. 381)

House Bill No. 5629
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 16, 2004

AN ACT CONCERNING HOSPICE SERVICES IN RURAL AREAS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2004*) (a) For purposes of this
2 section, "rural town" means towns having either seventy-five per cent
3 or more of their population classified as rural in the 1990 federal
4 decennial census of population, or in the most recent such census used
5 by the State Office of Rural Health to determine rural towns, or towns
6 that are not designated as metropolitan areas on the list maintained by
7 the federal Office of Management and Budget, used by the State Office
8 of Rural Health to determine rural towns and "permanent part-time
9 employee" means an employee who is employed and on duty a
10 minimum of twenty hours per work week on a regular basis.

11 (b) A home health care agency licensed pursuant to chapter 368v of
12 the general statutes that provides hospice services in a rural town and
13 is unable to access licensed or Medicare-certified hospice care to
14 consistently provide adequate services to patients in the rural town
15 may apply to the Commissioner of Public Health for a waiver from the

16 regulations licensing such agency adopted pursuant to chapter 368v of
17 the general statutes. The waiver may authorize one or more of the
18 following: (1) The agency's supervisor of clinical services may also
19 serve as the supervisor of clinical services assigned to the hospice
20 program; (2) the hospice volunteer coordinator and the hospice
21 program director may be permanent part-time employees; (3) the
22 program director may perform other services at the agency, including,
23 but not limited to, hospice volunteer coordinator. The commissioner
24 shall not grant a waiver unless the commissioner determines that such
25 waiver will not adversely impact the health, safety and welfare of
26 hospice patients and their families. The waiver shall be in effect for
27 two years. An agency may reapply for such a waiver.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The Department of Public Health will be able to perform duties specified in the bill within its anticipated budgetary resources.

Hospice is an optional service under the federal Medical Assistance (Medicaid) program. It is currently not covered under the Connecticut State Medicaid Plan, and therefore, adoption of this bill would not result in direct additional costs to Medicaid.

House "A" makes changes that have no associated fiscal impact.

OLR Bill Analysis

HB 5629 (as amended by House "A")*

AN ACT CONCERNING HOSPICE SERVICES IN RURAL AREAS**SUMMARY:**

This bill allows a licensed home health care agency that does not meet certain staffing requirements to provide hospice services in a rural town under a Department of Public Health (DPH) waiver. By law, such services can be provided in a patient's home only by a licensed home health agency with DPH approval.

Under this bill, a home health care agency that is unable to access licensed or Medicare-certified hospice care to consistently provide adequate services to its rural town patients can apply for a DPH waiver from state regulations concerning staffing. Such a waiver can authorize one or more of the following: (1) the agency's supervisor of clinical services also to serve as supervisor of clinical services assigned to the hospice program; (2) the hospice volunteer coordinator and the hospice program director to be permanent part-time employees; and (3) the program director to perform other services at the agency, including serving as hospice volunteer coordinator. A "permanent part-time employee," under the bill, is one employed and on duty at least 20 hours per work week on a regular basis.

Before granting the waiver, the DPH commissioner must determine that it will not adversely affect the health, safety, and welfare of hospice patients and their families. The waiver is effective for two years and an agency can reapply.

*House Amendment "A" adds the reference to the most recent census used by the State Office of Rural Health to the definition of "rural town."

EFFECTIVE DATE: October 1, 2004

RURAL TOWN

The bill defines a “rural town” as (1) one with either 75% or more of its population classified as rural in the 1990 federal census or in the most recent census used by the State Office of Rural Health to determine rural towns or (2) a town not designated as a metropolitan area on the list kept by the federal Office of Management and Budget and used by the state rural health office.

BACKGROUND

Hospice Regulations

DPH regulations specify that hospice services given in a patient’s home may be provided only by a home health care agency the department licenses, with the approval of the DPH commissioner. The commissioner must approve an agency to provide hospice services if it meets all of the applicable regulatory requirements (DPH Regs. § 19-13-D72(b)(2)). The regulations require that there be a hospice interdisciplinary team that includes (1) the medical director, or physician designee; (2) a registered nurse; (3) a consulting pharmacist; and (4) one or more of the following, based on the patient’s needs: (a) a social worker, (b) a bereavement counselor, (c) a spiritual counselor, (d) a volunteer coordinator, (e) a trained volunteer assigned a role in the patient’s plan of care, and (f) a physical therapist, occupational therapist, or speech-language pathologist.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Report

Yea 19 Nay 0