



General Assembly

**Substitute Bill No. 5499**

February Session, 2012

\* \_\_\_\_\_HB05499PH\_\_\_\_\_032612\_\_\_\_\_\*

**AN ACT CONCERNING REGULATIONS RELATING TO HOSPICE CARE.**

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

1 Section 1. Section 19a-122b of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective from passage*):

3 (a) Notwithstanding the provisions of chapters 368v and 368z, an  
4 organization licensed as a hospice [pursuant to the Public Health  
5 Code] by the Department of Public Health or certified as a hospice  
6 pursuant to 42 USC 1395x, shall be authorized to operate a hospice  
7 facility, including a hospice residence, for the purpose of providing  
8 hospice services for terminally ill persons [, for the purpose of  
9 providing hospice home care arrangements including, but not limited  
10 to, hospice home care services and supplemental] who are in need of  
11 hospice home care or hospice inpatient services. Such arrangements  
12 shall be provided to those patients who would otherwise receive such  
13 care from family members. The facility or residence shall provide a  
14 homelike atmosphere for such patients for a time period deemed  
15 appropriate for home health care services under like circumstances.  
16 Any hospice that operates a facility or residence pursuant to the  
17 provisions of this section shall cooperate with the Commissioner of  
18 Public Health to develop standards for the licensure and operation of  
19 such [homes] facility or residence.

20 (b) On and after January 1, 2008, any organization seeking initial  
21 licensure as a hospice by the Department of Public Health shall (1)  
22 agree to provide hospice care services for terminally ill persons on a  
23 twenty-four-hour basis in all settings including, but not limited to, a  
24 private home, nursing home, residential care home or specialized  
25 residence that provides supportive services, and (2) present to the  
26 department satisfactory evidence that such organization has the  
27 necessary qualified personnel to provide services in such settings.

28 (c) No organization may use the title "hospice" or "hospice care  
29 program" or make use of any title, words, letters or abbreviations  
30 indicating or implying that such organization is licensed to provide  
31 hospice services unless such organization is licensed to provide such  
32 services by the Department of Public Health and certified as a hospice  
33 pursuant to 42 USC 1395x.

34 Sec. 2. Subsection (a) of section 19a-490 of the general statutes is  
35 repealed and the following is substituted in lieu thereof (*Effective from*  
36 *passage*):

37 (a) "Institution" means a hospital, residential care home, health care  
38 facility for the handicapped, nursing home, rest home, home health  
39 care agency, homemaker-home health aide agency, mental health  
40 facility, assisted living services agency, substance abuse treatment  
41 facility, outpatient surgical facility, short-term hospital special hospice,  
42 hospice facility, an infirmary operated by an educational institution for  
43 the care of students enrolled in, and faculty and employees of, such  
44 institution; a facility engaged in providing services for the prevention,  
45 diagnosis, treatment or care of human health conditions, including  
46 facilities operated and maintained by any state agency, except facilities  
47 for the care or treatment of mentally ill persons or persons with  
48 substance abuse problems; and a residential facility for the mentally  
49 retarded licensed pursuant to section 17a-227 and certified to  
50 participate in the Title XIX Medicaid program as an intermediate care  
51 facility for the mentally retarded;

52 Sec. 3. Subsection (a) of section 19a-495 of the 2012 supplement to  
53 the general statutes is repealed and the following is substituted in lieu  
54 thereof (*Effective from passage*):

55 (a) The Department of Public Health shall, after consultation with  
56 the appropriate public and voluntary hospital planning agencies,  
57 establish classifications of institutions. The department shall [, in the  
58 Public Health Code,] adopt, amend, promulgate and enforce such  
59 regulations based upon reasonable standards of health, safety and  
60 comfort of patients and demonstrable need for such institutions, with  
61 respect to each classification of institutions to be licensed under  
62 sections 19a-490 to 19a-503, inclusive, as amended by this act,  
63 including their special facilities, as will further the accomplishment of  
64 the purposes of said sections in promoting safe, humane and adequate  
65 care and treatment of individuals in institutions. The department shall  
66 adopt such regulations, in accordance with chapter 54, concerning  
67 home health care agencies and homemaker-home health aide agencies.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	19a-122b
Sec. 2	<i>from passage</i>	19a-490(a)
Sec. 3	<i>from passage</i>	19a-495(a)

**PH** Joint Favorable Subst.