

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 12-140—sHB 5499
Public Health Committee

AN ACT CONCERNING REGULATIONS RELATING TO HOSPICE CARE

SUMMARY: Prior law authorized a Department of Public Health (DPH)-licensed or Medicare-certified hospice to operate a specialized residence for the terminally ill that provides hospice home care and supportive services. This act authorizes only a DPH-licensed hospice to operate a residence and allows the hospice to also operate a “hospice facility” that provides hospice home care or hospice inpatient services. (The act does not distinguish between a facility and a residence.)

The act extends to a hospice facility the current requirement for a residence that it (1) provide a home-like atmosphere for patients for an appropriate time period and (2) cooperate with the DPH commissioner to develop licensure and operational standards.

EFFECTIVE DATE: Upon passage

BACKGROUND

DPH Proposed Hospice Regulations

Currently, DPH regulates hospices that are considered free-standing or established as a distinct unit within a health care facility (e.g., inpatient hospice facilities). DPH regulations define “hospice” under the broader category of “short-term hospital special hospice.” Inpatient hospice facilities must meet a variety of requirements concerning their physical plants, administration, staffing, records, and infection control. A home care program offered by an institutionally based hospice is also subject to DPH regulations. The program must address the physical, psychological, and spiritual needs of the patient and family and provide services 24 hours a day, seven days a week (Conn. Agencies Reg., § 19-13-D4b).

In March 2011, DPH published notice of its intent to amend these regulations to create a second licensure category for inpatient hospice facilities called “hospice facility.” The proposal keeps the existing “short-term hospital special hospice” licensure category so that facilities that want to continue to provide hospice services at a hospital level of care may do so. The new “hospice facility” licensure category would allow entities to create new facilities under regulations based on Medicare’s minimum regulatory requirements for inpatient hospital facilities (42 C.F.R. § 418.110). These requirements are less stringent than the department’s current short-term hospital special hospice regulations.

DPH held a public hearing on the proposed regulations in April 2011. The proposal was submitted to the attorney general’s office for final review in March

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2012, after which it was submitted to the Regulation Review Committee for approval.

OLR Tracking: ND:TA:PF:ts