

HOUSE No. 2945

By Mr. Cusack of Arlington, petition of John F. Cusack for legislation to authorize the Department of Public Health to license hospice home care programs. Health Care.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Five.

AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH TO LICENSE HOSPICE HOME CARE PROGRAMS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the General Laws is hereby
2 amended by adding after section fifty seven C the following new
3 section:

4 57D. The department shall, after a public hearing, promulgate
5 rules and regulations for the licensing and conduct of hospice home
6 care programs; provided however, that hospice home care pro-
7 grams shall not include hospice programs conducted by a hospital
8 licensed under section 51 of chapter 111 of the General Laws. For
9 the purpose of this section, hospice home care shall mean a coordi-
10 nated program of care and services for those who are determined to
11 be terminally ill with a limited life expectancy. These services are to
12 be provided by or arranged to be provided through an interdiscipli-
13 nary team in a home setting, on an ambulatory basis, and on a
14 back-up inpatient basis. Such services shall include but not be
15 limited to physician's services, nursing care provided by or under
16 the supervision of a registered professional nurse, social services,
17 volunteer services, and counseling services provided by paid or
18 volunteer staff under professional supervision. The licensee, if con-
19 tracting for inpatient backup services, must have a written contract
20 providing for these services with a hospital or nursing home; pro-
21 vided, however that a hospital or nursing home shall not be

22 required to provide such services in a discrete hospice unit; and
23 provided further that it shall not be considered to be a substantial
24 change in service under the Determination of Need statute for a
25 hospital or nursing home to provide backup in-patient services for
26 hospice patients. The department shall issue for a term of two years
27 and renew for a like term a license to maintain a hospice program to
28 any organization which it deems responsible and suitable to estab-
29 lish and maintain such a program. Said licensees shall be subject to
30 suspension, revocation, or refusal to renew for cause, subject to the
31 provision of this section.

32 The department shall determine the fee and renewal of said
33 license.

1 SECTION 2. The first paragraph of section 6 of chapter 118E of
2 the General Laws is hereby amended by adding the following
3 sentence: —

4 The department shall provide financial assistance for the services
5 of a hospice program which is licensed in accordance with section
6 fifty-seven D of chapter one hundred and eleven of the General
7 Laws.