

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2257 Session of
2008

INTRODUCED BY CURRY, FEBRUARY 26, 2008

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
FEBRUARY 26, 2008

AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An
2 act relating to health care; prescribing the powers and
3 duties of the Department of Health; establishing and
4 providing the powers and duties of the State Health
5 Coordinating Council, health systems agencies and Health Care
6 Policy Board in the Department of Health, and State Health
7 Facility Hearing Board in the Department of Justice;
8 providing for certification of need of health care providers
9 and prescribing penalties," providing for regulation of small
10 residential hospices and hospice for children.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 806(g) of the act of July 19, 1979
14 (P.L.130, No.48), known as the Health Care Facilities Act, added
15 October 16, 1998 (P.L.777, No.95), is amended to read:

16 Section 806. Licensure.

17 * * *

18 (g) Hospices.--

19 (1) The department shall promulgate regulations to
20 provide for a fee for application for the licensure of
21 hospices. The fee shall be an amount sufficient to offset all

1 costs incurred by the department related to the licensure and
2 inspection of hospices. The department shall from time to
3 time, as may be necessary, increase or decrease the fee to
4 reflect actual expenditures related to hospices. Until such
5 time as the department provides for the fee by regulation, an
6 application for a hospice license shall be accompanied by a
7 fee of \$250.

8 (2) The department shall promulgate regulations for
9 licensure of hospices. The regulations shall, at a minimum,
10 contain the standards set forth in regulations for hospices
11 certified as providers of the Medicare program under Title
12 XVIII of the Social Security Act (49 Stat. 620, 42 U.S.C. §
13 1395 et seq.). The department may develop additional
14 regulations as necessary to administer the licensure program
15 and to protect the health and safety of the citizens of this
16 Commonwealth. Until final regulations are adopted, the
17 department shall operate the licensing program pursuant to
18 interim guidelines consistent with this paragraph.

19 (2.1) Within 180 days following the effective date of
20 this paragraph, the department shall promulgate proposed
21 regulations, and within 270 days following the effective date
22 of this paragraph, the department shall promulgate final
23 regulations for the licensure and operation of the following:

24 (i) small residential hospices with 22 or fewer
25 beds; and

26 (ii) hospice services for children within licensed
27 hospices or other health care facilities. The regulations
28 shall provide that children's rooms be secured from those
29 areas that provide hospice services and other services to
30 individuals 19 years of age or older.

1 (2.2) The regulations for small residential hospices
2 shall create an alternative to the fire and safety
3 regulations for hospices certified as providers of the
4 Medicare program under Title XVIII of the Social Security Act
5 (49 Stat. 620, 42 U.S.C. § 1395 et seq.) that currently
6 require hospices to meet standards for nursing homes
7 contained in the 2000 edition of the Life Safety Code of the
8 National Fire Protection Association. In developing the
9 alternative for fire and safety regulations, the department
10 shall consider as a minimum the requirements for large board
11 and care occupancies set forth in the 2006 edition of the
12 Life Safety Code.

13 (3) Notwithstanding any provision to the contrary, any
14 organization which provides or coordinates the provision of
15 volunteer services for Medicare-certified hospice providers
16 in the hospice delivery systems of its community and which:

17 (i) used "hospice" in its name prior to January 1,
18 1990;

19 (ii) qualified for exemption from Federal income
20 taxation under section 501(c)(3) of the Internal Revenue
21 Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.)
22 prior to the effective date of this subsection; and

23 (iii) registered with the Department of State
24 pursuant to the act of December 19, 1990 (P.L.1200,
25 No.202), known as the "Solicitation of Funds for
26 Charitable Purposes Act," prior to the effective date of
27 this subsection;

28 may continue to use its name as heretofore.

29 Section 2. This act shall take effect immediately.