

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2629

Session of
2008

INTRODUCED BY CURRY, BISHOP, CALTAGIRONE, GEORGE, HENNESSEY,
JOSEPHS, W. KELLER, KULA, LENTZ, MAHONEY, MANDERINO, MUNDY,
MURT, M. O'BRIEN, OLIVER, PARKER, PAYTON, SABATINA, SURRA,
THOMAS, TRUE, WATERS, WILLIAMS, DePASQUALE, MELIO, GERBER,
QUINN, WATSON, O'NEILL, MYERS, SIPTROTH, SHAPIRO, PASHINSKI
AND MARSICO, JUNE 13, 2008

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 7, 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," further providing for licensure.

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

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

15 Section 806. Licensure.

16 * * *

17 (g) Hospices.--

18 (1) The department shall promulgate regulations to
19 provide for a fee for application for the licensure of

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

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

20 (2.1) Within 180 days following the effective date of
21 this paragraph, the department shall promulgate proposed
22 regulations, and, within 270 days following the effective
23 date of this paragraph, the department shall promulgate final
24 regulations for the licensure and operation of small
25 residential hospices with 22 or fewer beds. Subject to
26 Federal approval under 42 CFR 418.100(d)(3) (relating to
27 condition of participation hospices that provide inpatient
28 care directly), the regulations shall create an alternative
29 to the fire and safety regulations for hospices certified as
30 providers of the Medicare program under Title XVIII of the

1 Social Security Act (49 Stat. 620, 42 U.S.C. § 1395 et seq.)
2 that currently require hospices to meet standards for nursing
3 homes contained in the 2000 edition of the Life Safety Code
4 of the National Fire Protection Association. In developing
5 the alternative for fire and safety regulations, the
6 department shall consider as a minimum the requirements for
7 residential board and care occupancies set forth in the 2006
8 edition of the Life Safety Code AND OTHER APPLICABLE CODES. <—

9 (3) Notwithstanding any provision to the contrary, any
10 organization which provides or coordinates the provision of
11 volunteer services for Medicare-certified hospice providers
12 in the hospice delivery systems of its community and which:

13 (i) used "hospice" in its name prior to January 1,
14 1990;

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

19 (iii) registered with the Department of State
20 pursuant to the act of December 19, 1990 (P.L.1200,
21 No.202), known as the "Solicitation of Funds for
22 Charitable Purposes Act," prior to the effective date of
23 this subsection; may continue to use its name as
24 heretofore.

25 Section 2. This act shall take effect immediately.