

Introduced by

Senators Dever, Clemens, Poolman

Representatives Porter, Rohr, Weisz

1 A BILL for an Act to create and enact section 23-17.4-07.1 of the North Dakota Century Code,
2 relating to licensure of residential hospice facilities; and to amend and reenact sections
3 23-17.4-01, 23-17.4-02, 23-17.4-03, and 23-17.4-10 of the North Dakota Century Code, relating
4 to licensure of residential hospice programs.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 23-17.4-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **23-17.4-01. Definitions.**

9 In this chapter, unless the context or subject matter otherwise requires:

- 10 1. "Bereavement" means the period of time during which the hospice patient's family
11 experiences and adjusts to the death of the hospice patient.
- 12 2. "Department" means the state department of health.
- 13 3. "Hospice care team" means an interdisciplinary working unit including the hospice
14 patient and the hospice patient's family, the attending physician, the medical director
15 of the hospice program, a registered professional nurse as defined under chapter
16 43-12.1, a social worker licensed pursuant to chapter 43-41 providing medical social
17 services, and trained hospice volunteers. Providers of special services, including a
18 spiritual counselor, a pharmacist, a registered dietitian, or professionals in the field of
19 mental health may be included on the interdisciplinary team as determined to be
20 appropriate by the hospice program.
- 21 4. "Hospice patient" means a person diagnosed as terminally ill with a prognosis of an
22 anticipated life expectancy of six months or less, who has received admission into the
23 hospice program. The diagnosis and prognosis must be certified by the attending
24 physician.

- 1 5. "Hospice patient's family" means the immediate kin of the patient, including a spouse,
2 parent, stepparent, brother, sister, stepbrother, stepsister, child, or stepchild. Additional
3 relatives or individuals with significant personal ties to the hospice patient may be
4 included in the hospice patient's family for the purposes of this chapter.
- 5 6. "Hospice program" means a coordinated program of home and inpatient care
6 providing hospice services directly, or through agreement, using a hospice care team.
- 7 7. "Hospice service plan" means the plan detailing the specific hospice services offered
8 by a hospice program and the administrative and direct care personnel responsible for
9 those services.
- 10 8. "Hospice services" means palliative and supportive medical, health, and other care
11 provided to hospice patients and their families to meet the special needs arising out of
12 the physical, emotional, spiritual, and social stresses experienced during the final
13 stages of illness and during dying and bereavement so that when and where possible
14 the hospice patient may remain at home, with homelike inpatient care utilized only if
15 and while it is necessary.
- 16 9. "Palliative care" means treatment which is intended to achieve relief from, reduction of,
17 or elimination of pain and other troubling symptoms, rather than treatment aimed at
18 investigation and intervention for the purposes of cure or prolongation of life.
- 19 10. "Residential hospice facility" means a freestanding facility that provides twenty-four
20 hour residential and support services in a home-like setting for hospice patients
21 receiving hospice services from a third-party hospice program.
- 22 11. "Volunteer services" means the services provided by individuals who have
23 successfully completed a training program developed by a licensed hospice program.

24 **SECTION 2. AMENDMENT.** Section 23-17.4-02 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **23-17.4-02. Hospice program license**~~License~~ **required.**

27 ~~No~~A person may not establish, conduct, or maintain a hospice program or a residential
28 hospice facility, or advertise or present itself to the public as a hospice program or residential
29 hospice facility, without first obtaining a hospice program license or a residential hospice facility
30 license from the department.

1 **SECTION 3. AMENDMENT.** Section 23-17.4-03 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **23-17.4-03. Scope of license.**

4 A hospice program license or residential hospice facility license is valid only for the
5 premises, person, or facility named in the application for license and is not transferable or
6 assignable. The license must be renewed annually. The license must be displayed in a
7 conspicuous place inside the hospice program or residential hospice facility office.

8 **SECTION 4.** Section 23-17.4-07.1 of the North Dakota Century Code is created and
9 enacted as follows:

10 **23-17.4-07.1. Residential hospice facilities - Rulemaking authority.**

- 11 1. A hospice program license is not required to operate a residential hospice facility.
12 Hospice services provided at a residential hospice facility must be provided under the
13 supervision of a licensed hospice program. A residential hospice facility is not a
14 hospital, skilled nursing home, intermediate care facility, nursing facility, or home
15 health agency.
- 16 2. An application for issuance or renewal of a residential hospice facility license must be
17 made to the department on forms provided by the department and must contain
18 information reasonably required by the department.
- 19 3. The health council shall establish rules establishing minimum standards for licensure
20 of a residential hospice facility.

21 **SECTION 5. AMENDMENT.** Section 23-17.4-10 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **23-17.4-10. Denial, suspension, or revocation of license.**

24 Denial, suspension, or revocation of a hospice program or residential hospice facility license
25 by the department for noncompliance with this chapter is governed by chapter 28-32.