



## Chapter 443 — Residential Care; Adult Foster Homes; Hospice Programs

2013 EDITION

### HOSPICE PROGRAMS

**443.850 Definitions for ORS 443.850 to 443.869.** As used in ORS 443.850 to 443.869:

(1) "Hospice program" means a coordinated program of home and inpatient care, available 24 hours a day, that utilizes an interdisciplinary team of personnel trained to provide palliative and supportive services to a patient-family unit experiencing a life threatening disease with a limited prognosis. A hospice program is an institution for purposes of ORS 146.100.

(2) "Hospice services" means items and services provided to a patient-family unit by a hospice program or by other individuals or community agencies under a consulting or contractual arrangement with a hospice program. Hospice services include acute, respite, home care and bereavement services provided to meet the physical, psychosocial, spiritual and other special needs of a patient-family unit during the final stages of illness, dying and the bereavement period.

(3) "Interdisciplinary team" means a group of individuals working together in a coordinated manner to provide hospice care. An interdisciplinary team includes, but is not limited to, the patient-family unit, the patient's attending physician or clinician and one or more of the following hospice program personnel:

- (a) Physician.
- (b) Nurse practitioner.
- (c) Nurse.
- (d) Nurse's aide.
- (e) Occupational therapist.
- (f) Physical therapist.
- (g) Trained lay volunteer.
- (h) Clergy or spiritual counselor.
- (i) Credentialed mental health professional such as psychiatrist, psychologist, psychiatric nurse or social worker.

(4) "Patient-family unit" includes an individual who has a life threatening disease with a limited prognosis and all others sharing housing, common ancestry or a common personal commitment with the individual.

(5) "Person" includes individuals, organizations and groups of organizations. [1987 c.398 §1; 1989 c.697 §3; 2007 c.474 §1; 2009 c.793 §6]

**443.860 License required; rules; fees.** (1) A person may not establish, conduct or maintain a hospice program providing hospice services, or hold itself out

to the public as a hospice program, without obtaining a license from the Oregon Health Authority.

(2) The authority:

(a) Shall adopt rules to carry out the provisions of ORS 443.850 to 443.869, including but not limited to rules for licensure that require an on-site inspection of each licensed hospice program at least once every three years.

(b) May accept certification by a federal agency or accreditation by an accrediting organization approved by the authority as evidence of compliance with the requirements for licensure adopted under paragraph (a) of this subsection if:

(A) The certification or accreditation meets standards and conditions established for hospice programs by the Centers for Medicare and Medicaid Services;

(B) The hospice program invites the authority to participate in any exit interview conducted by the agency or organization; and

(C) The hospice program provides the authority with copies of all documentation requested by the authority concerning the certification or accreditation.

(3) The fee to obtain or renew a hospice program license is \$750.

(4) The authority shall prescribe by rule the form and manner for application for or renewal of a license. The authority shall issue a license to an applicant that has the necessary qualifications, meets all requirements established by the authority by rule and has paid the fee.

(5) A license issued under this section is valid for one year and is not transferable. A license may be renewed by payment of the fee and demonstration of compliance with requirements for renewal established by the authority by rule. [1987 c.398 §§2,3; 1989 c.697 §1; 1993 c.110 §3; 1997 c.362 §1; 2003 c.14 §264; 2007 c.474 §2; 2009 c.793 §1; 2011 c.720 §201]

**443.861 Moneys to be deposited to Public Health Account.** All moneys received by the Oregon Health Authority under ORS 443.860 shall be paid into the State Treasury and deposited to the credit of the Public Health Account established in ORS 431.210. The moneys shall be used by the authority in carrying out its duties under ORS 443.850 to 443.869. [2009 c.793 §4; 2011 c.720 §202]

**443.864 Suspension, revocation or denial of license.** The Oregon Health Authority may suspend, revoke or refuse to renew the license of a hospice program for failure to comply with ORS 443.860 or with rules adopted pursuant to ORS 443.860. [2009 c.793 §3; 2011 c.720 §203]

**443.865** [1993 c.110 §2; 2009 c.595 §792; repealed by 2009 c.793 §7]

**443.869 Civil penalties.** In addition to any other liability or penalty provided by law, the Director of the Oregon Health Authority may impose a civil penalty of \$1,000 per day, up to \$10,000 in any 30-day period, for any of the following:

(1) Violation of any of the terms or conditions of a license issued under ORS 443.860 to a hospice program.

(2) Violation of any rule or general order of the Oregon Health Authority that pertains to a hospice program.

(3) Violation of any final order of the director that pertains specifically to a hospice program owned or operated by the person incurring the penalty.

(4) Violation of ORS 443.860 or of rules adopted under ORS 443.860.

(5) Civil penalties under this section shall be imposed in the manner provided by ORS 183.745.

(6) All penalties recovered under this section shall be paid into the State Treasury and credited to the General Fund and are available for general governmental expenses. [2009 c.793 §5; 2011 c.720 §204]