Senate Study Bill 184

Conference Committee Text

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1 1 Section 1. Section 135J.1, unnumbered paragraph 1, and
1 2 subsections 1 and 5, Code 1995, are amended to read as
1 3 follows:
1 4 For the purposes of this

~~division~~
chapter unless otherwise
1 5 defined:
1 6 1. "Core services" means physician services, nursing
1 7 services, medical social services, counseling services,

~~and~~

1 8 volunteer services

~~. These core services, as well as~~
, and
1 9 others deemed necessary by the hospice in delivering safe and
1 10 appropriate care to its case load,

~~can~~
which shall be provided
1 11

~~through either direct or indirect arrangement~~
directly by the
1 12 hospice.
1 13 5. "Hospice program" means a centrally coordinated program
1 14 of home and inpatient care provided directly

~~or through an~~

1 15

~~agreement~~
under

~~the direction of~~
an identifiable hospice
1 16 administration providing palliative care and supportive
1 17 medical and other health services to terminally ill patients
1 18 and their families. A licensed hospice program shall utilize
1 19 a medically directed interdisciplinary team and provide care
1 20 to meet the physical, emotional, social, spiritual, and other
1 21 special needs which are experienced during the final stages of
1 22 illness, dying, and bereavement. Hospice care shall be
1 23 available twenty-four hours a day, seven days a week.
1 24 Sec. 2. Section 135J.2, unnumbered paragraph 1, Code 1995,
1 25 is amended to read as follows:
1 26 A person or governmental unit, acting severally or jointly
1 27 with any other person

~~may~~
shall not establish, conduct, or
1 28 maintain a hospice program in this state

~~and receive~~
without a
1 29 license

~~from~~
issued by the department after meeting the
1 30 requirements of this

~~division~~
chapter. The application shall
1 31 be on a form prescribed by the department and shall require
1 32 information the department deems necessary.

~~Nothing in this~~

1 33

~~division shall prohibit a person or governmental unit from~~

1 34

~~establishing, conducting, or maintaining a hospice program~~

1 35

~~without a license.~~
Each application for license shall be
2 1 accompanied by a nonrefundable biennial license fee determined
2 2 by the department. A hospice program which is not licensed
2 3 and which is operating in this state prior to July 1, 1995,
2 4 shall be given a reasonable time to comply with the licensure
2 5 requirements established in this section, as determined by the
2 6 department. The department may grant extensions of time for
2 7 compliance if evidence of a good faith attempt to comply is
2 8 furnished to the department and if the extension will not
2 9 place patients of the hospice in undue jeopardy.
2 10 Sec. 3. Section 135J.5, Code 1995, is amended to read as
2 11 follows:
2 12 135J.5 DENIAL, SUSPENSION, OR REVOCATION OF LICENSES.
2 13 The department may deny, suspend, or revoke a license if
2 14 the department determines there is failure of the program to
2 15 comply with this

~~division~~
chapter or the rules adopted under
2 16 this

~~division~~
chapter. The suspension or revocation may be
2 17 appealed under chapter 17A. The department may reissue a
2 18 license following a suspension or revocation after the hospice
2 19 corrects the conditions upon which the suspension or
2 20 revocation was based.
2 21 Sec. 4. Section 135J.7, Code 1995, is amended to read as
2 22 follows:
2 23 135J.7 RULES.
2 24 Except as otherwise provided in this

~~division~~
chapter, the
2 25 department shall adopt rules pursuant to chapter 17A necessary
2 26 to implement this

~~division~~
chapter, subject to approval of the
2 27 state board of health. Formulation of the rules shall include
2 28 consultation with Iowa hospice organization representatives

2 29 and other persons affected by the

~~division~~
chapter.
2 30 Sec. 5. NEW SECTION. 135J.8 PENALTY.
2 31 A person who establishes, operates, or maintains a hospice
2 32 program without obtaining a license under this chapter commits
2 33 a serious misdemeanor. Each day of continuing violation
2 34 following conviction shall be considered a separate offense.
2 35 EXPLANATION
3 1 This bill provides for mandatory, rather than the current
3 2 optional, licensure of hospice programs. The bill redefines
3 3 "care services" to allow for only direct rather than both
3 4 indirect and direct provisions of these services by a hospice
3 5 program. The bill also provides that an unlicensed hospice
3 6 program operating prior to July 1, 1995, is to be given a
3 7 reasonable time to meet the requirements for licensure and may
3 8 be allowed an extension of time for compliance if the hospice
3 9 program is making a good faith attempt to comply and the
3 10 extension will not place patients in undue jeopardy. The bill
3 11 provides that a person who establishes, operates, or maintains
3 12 a hospice program without a license is guilty of a serious
3 13 misdemeanor and that each day of violation following
3 14 conviction is a separate offense. The bill also replaces the
3 15 reference throughout the chapter to "division" by replacing
3 16 the word "division" with the word "chapter".
3 17 LSB 2034SC 76
3 18 pf/sc/14