

No. 2008-120

AN ACT

HB 2629

Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An act relating to health care; prescribing the powers and duties of the Department of Health; establishing and providing the powers and duties of the State Health Coordinating Council, health systems agencies and Health Care Policy Board in the Department of Health, and State Health Facility Hearing Board in the Department of Justice; providing for certification of need of health care providers and prescribing penalties," further providing for licensure.

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

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

Section 806. Licensure.

* * *

(g) Hospices.—

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

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

(2.1) Within 180 days following the effective date of this paragraph, the department shall promulgate proposed regulations, and, within 270 days following the effective date of this paragraph, the department shall promulgate final regulations for the licensure and operation of small residential hospices with 22 or fewer beds. Subject to Federal approval under 42 CFR 418.100(d)(3) (relating to condition of participation hospices that provide inpatient care directly), the regulations shall create an alternative to the fire and safety regulations for hospices

certified as providers of the Medicare program under Title XVIII of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1395 et seq.) that currently require hospices to meet standards for nursing homes contained in the 2000 edition of the Life Safety Code of the National Fire Protection Association. In developing the alternative for fire and safety regulations, the department shall consider as a minimum the requirements for residential board and care occupancies set forth in the 2006 edition of the Life Safety Code and other applicable codes.

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

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

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

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

Section 2. This act shall take effect immediately.

APPROVED—The 9th day of October, A.D. 2008.

EDWARD G. RENDELL