

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.