

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2464

BY: MADDOX (Jim)

AS INTRODUCED

AN ACT RELATING TO PUBLIC HEALTH AND SAFETY; AMENDING
63 O.S. 1991, SECTION 1-860.2, WHICH RELATES TO THE
OKLAHOMA HOSPICE LICENSING ACT; MODIFYING TERM;
AUTHORIZING CERTAIN HOSPICES TO BE LICENSED;
PROVIDING FOR CODIFICATION; AND DECLARING AN
EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-860.2, is amended to read as follows:

Section 1-860.2 As used in the Oklahoma Hospice Licensing Act:

1. "Board" means the State Board of Health;
2. "Department" means the State Department of Health;
3. "Hospice" means a centrally administered, nonprofit or profit, medically directed, nurse-coordinated program ~~located in a municipality with a population in excess of twenty-five thousand (25,000)~~ which provides a continuum of home and inpatient care for the terminally ill patient and the patient's family. A hospice program offers palliative and supportive care to meet the special needs arising out of the physical, emotional and spiritual stresses which are experienced during the final stages of illness and during dying and bereavement. This care is available twenty-four (24)

hours a day, seven (7) days a week, and is provided on the basis of need, regardless of ability to pay. "Class A" Hospice refers to Medicare certified hospices. "Class B" refers to all other providers of hospice services;

4. "Hospice interdisciplinary team" or "hospice team" means a unit composed of the professionals and lay persons, as specified by the Oklahoma Hospice Licensing Act, who provide hospice care;

5. "Hospice patient/family" means the hospice patient's immediate kin, including a spouse, brother, sister, child, parent or other persons with significant personal ties to the hospice patient, who may be designated by members of the hospice patient/family;

6. "Hospice services" means those services furnished to a patient by a hospice or by other persons, pursuant to arrangements with such a hospice in a place of temporary or permanent residence used as the home of the terminally ill patient for the purpose of maintaining the patient at home. If the patient needs short-term institutionalization, the services shall be furnished in cooperation with those contracted institutions or in the inpatient facility of the hospice. Such services may include, but are not limited to, bereavement services, palliative services, personal care and such other services as are provided by nurses, physicians, home health aides, physical therapists, counselors, psychologists, social workers and volunteers. Services provided by a hospital, nursing home or other health care provider shall not constitute a hospice unless such hospital, nursing home or other health care provider establishes a freestanding hospice;

7. "Medical advisor" means a physician licensed pursuant to the laws of this state who is commissioned as a medical advisor by the hospice for the purposes of providing ongoing palliative care as a member of the hospice team;

8. "Palliative services" means the care or treatment given to a patient by the hospice team for the reduction or abatement of pain and other symptoms caused by the disease;

9. "Patient" means the terminally ill person receiving hospice services;

10. "Terminally ill" means the medical prognosis of limited life expectancy of one (1) year or less at the time of referral to a hospice of a person who is experiencing an illness for which therapeutic strategies directed toward cure and control of the disease alone outside the context of symptom control, are no longer appropriate;

11. "Bereavement" means that period of time following death during which survivors mourn a death and process their grief. "Bereavement services" means support services to be offered to the family during the bereavement period;

12. "Freestanding hospice" means a facility or program in which only hospice services are provided;

13. "Personal care" means services provided to a patient in the home to meet the physical requirements of the patient and to accommodate the maintenance or supportive needs of a patient;

14. "Medically directed" means that the delivery of medical care is directed by a medical advisor;

15. "Hospice home services" means hospice services which are provided primarily in the home of the patient;

16. "Inpatient services" means hospice services provided to patients who require twenty-four (24) hour supervision by a licensed health care provider; and

17. "Health care provider" means a facility or institution licensed by the laws of this state to provide on a regular basis medical services, skilled nursing care, necessary dietary service or personal care. The term "health care provider" includes, but is not

limited to, hospitals, skilled nursing homes, intermediate care facilities and room and board homes.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-860.2a of Title 63, unless there is created a duplication in numbering, reads as follows:

A public or private agency or person located in municipalities with a population of less than twenty-five thousand (25,000) which establishes, conducts, or maintains a hospice or holds itself out to the public as a hospice may, but is not required by the Oklahoma Hospice Licensing Act, to obtain a license from the Department pursuant to the Oklahoma Hospice Licensing Act.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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