

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1534

S.P. 581

In Senate, April 16, 1991

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GILL of Cumberland
Cosponsored by Representative MANNING of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Provide Support for Community-based Residential Hospice
Services.**

2 Be it enacted by the People of the State of Maine as follows:

4 Sec. 1. 22 MRSA §1708-A is enacted to read:

6 §1708-A. Community-based hospice services

8 1. Definitions. As used in this section, unless the
10 context otherwise indicates, the following terms have the
12 following meanings.

14 A. "Hospice program" means a network of palliative and
16 supportive services that provides physical, psychological,
18 social and spiritual care for persons with terminal illness
20 and for their families, and that is provided by public,
22 private or nonprofit organizations or subdivisions of those
24 organizations.

26 B. "Inpatient hospice services" means services provided to
28 the terminally ill individual and family as a unit in an
30 inpatient setting, employing an interdisciplinary team to
32 assist in providing palliative and supportive care to meet
34 the special needs arising out of the physical, emotional,
36 spiritual, social and economic stresses experienced during
38 the final stages of terminal illness and during dying and
40 bereavement. This care is available 24 hours a day, 7 days
42 a week.

44 2. Authorization for grants. The department may make
46 grants to community-based hospice organizations to provide
48 inpatient hospice services. Grants must be made according to
50 rules adopted by the department. The department shall seek the
52 advice of a statewide organization composed of community-based
hospice organizations regarding the distribution of grants before
any grants are awarded.

3. Reimbursement. The department shall adopt rules
according to Title 5, chapter 375, governing the rate at which
the department shall reimburse for inpatient hospice services.
The department may require that a provider of hospice services
actively seek certification as a Medicare provider in order to
receive reimbursement under this section.

Before determining the rate of reimbursement for inpatient
hospice services, the department shall consult with a statewide
organization composed of community-based hospice organizations
that provide services through a structured network of trained
volunteers including members of the clergy, home health providers
and counselors working in cooperation with the patient's primary
physician.

50 Sec. 2. 22 MRSA §7801, sub-§1, as amended by PL 1987, c. 389,
52 §§2 to 4, is further amended to read:

2 **1. License required.** Except as provided in subsection
3 subsections 3 and 6, no a person, firm, corporation or
4 association may not operate any of the following without having,
5 subject to this subtitle and to the rules promulgated by the
6 department under this subtitle, a written license ~~therefor~~ from
7 the department:

- 8 A. A boarding care facility;
9
10 B. A drug treatment center;
11
12 C. A children's home;
13
14 D. A child placing agency;
15
16 E. A day care facility;
17
18 F. A nursery school; or
19
20 G. An adult day care program.

21 **Sec. 3. 22 MRSA §7801, sub-§4-A** is enacted to read:

22 **4-A. Inpatient setting providing inpatient hospice**
23 **services. An inpatient setting providing inpatient hospice**
24 **services to terminally ill individuals, as defined in section**
25 **1708-A, is not required to obtain a license under subsection 1.**

26 **Sec. 4. 22 MRSA §7801, sub-§5**, as enacted by PL 1989, c. 355,
27 §1, is amended to read:

28 **5. Residents under age of 18 years.** Notwithstanding any
29 age requirement, a person who is 17 years of age or older may be
30 a resident in an adult foster home ~~or~~, boarding home or a
31 facility offering inpatient hospice services without the home or
32 facility being required to be licensed as a children's home under
33 chapter 1669 if the department determines that such a placement
34 is in the best interests of that person.

35 **Sec. 5. 22 MRSA §7802, sub-§1-B** is enacted to read:

36 **1-B. Facility providing inpatient hospice services.** The
37 department may issue a license to a facility providing inpatient
38 hospice services that is not otherwise required to be licensed
39 under section 7801, subsection 1.

40 **Sec. 6. Appropriation.** The following funds are appropriated
41 from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93
2		
4	HUMAN SERVICES, DEPARTMENT OF	
6	Medical Care - Payments to Providers	
8	All Other	\$116,582
10	Provides funds to establish a	
12	total of 10 beds during the	
14	biennium for inpatient	
16	hospice services. These beds	
18	must be phased in over the	
	biennium beginning with 5	
	beds January 1, 1992 and 5	
	additional beds January 1,	
	1993.	

18 **Sec. 7. Allocation.** The following funds are allocated from
20 Federal Expenditure funds to carry out the purposes of this Act.

22 1992-93

24	HUMAN SERVICES, DEPARTMENT OF	
26	Medical Care - Payments to Providers	
28	All Other	\$185,914
30	Allocates federal matching funds for	
32	inpatient hospice services.	

34 **STATEMENT OF FACT**

36 Hospice programs provide care for terminally ill individuals
38 in the last stages of life and their families. Although care is
40 intensive, hospice care is less expensive to provide than that
42 provided in an acute care setting. This bill provides funding
for inpatient hospice services in several locations in the State
and encourages the development of Medicare-certified hospice
services.