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SENATE BILL DRS15073-BC-1 (01/12)

Short Title: Exempt Hospice Inpatient Facilities From CON. (Public)

Sponsors: Senator Brown (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT EXEMPTING HOSPICE INPATIENT FACILITIES FROM CERTIFICATE OF
3 NEED REVIEW.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 131E-176 reads as rewritten:

6 "§ 131E-176. Definitions.

7 As used in this Article, unless the context clearly requires otherwise, the following terms
8 have the meanings specified:

9 ...

10 (2) "Bed capacity" means space used exclusively for inpatient care, including
11 space designed or remodeled for licensed inpatient beds even though
12 temporarily not used for such purposes. The number of beds to be counted in
13 any patient room shall be the maximum number for which adequate square
14 footage is provided as established by rules of the Department except that
15 single beds in single rooms are counted even if the room contains inadequate
16 square footage. The term "bed capacity" also refers to the number of dialysis
17 stations in kidney disease treatment centers, including freestanding dialysis
18 units. The term "bed capacity" does not include space used as a hospice
19 inpatient facility.

20 ...

21 (9b) "Health service facility" means a hospital; long-term care hospital;
22 psychiatric facility; rehabilitation facility; nursing home facility; adult care
23 home; kidney disease treatment center, including freestanding hemodialysis
24 units; intermediate care facility for the mentally retarded; home health
25 agency office; chemical dependency treatment facility; diagnostic center;
26 ~~hospice office, hospice inpatient facility, hospice office or hospice residential~~
27 ~~care facility; and ambulatory surgical facility.~~

28 (9c) "Health service facility bed" means a bed licensed for use in a health service
29 facility in the categories of (i) acute care beds; (ii) psychiatric beds; (iii)
30 rehabilitation beds; (iv) nursing home beds; (v) intermediate care beds for
31 the mentally retarded; (vi) chemical dependency treatment beds; ~~(vii)~~
32 ~~hospice inpatient facility beds; (viii)(vii) hospice residential care facility~~
33 ~~beds; (ix)(viii) adult care home beds; and (x)(ix) long-term care hospital~~
34 ~~beds.~~

35 ...



1 (13b) "Hospice inpatient facility" means a freestanding licensed hospice facility or
 2 a designated inpatient unit in an existing health service facility which
 3 provides palliative and supportive medical and other health services to meet
 4 the physical, psychological, social, spiritual, and special needs of terminally
 5 ill patients and their families in an inpatient setting. ~~For purposes of this~~
 6 ~~Article only, a hospital which has a contractual agreement with a licensed~~
 7 ~~hospice to provide inpatient services to a hospice patient as defined in G.S.~~
 8 ~~131E-201(4) and provides those services in a licensed acute care bed is not a~~
 9 ~~hospice inpatient facility and is not subject to the requirements in G.S.~~
 10 ~~131E-176(5)(ii) for hospice inpatient beds.~~

11 ...
 12 (16) "New institutional health services" means any of the following:

- 13 ...
- 14 n. The construction, development or other establishment of a ~~hospice,~~
 15 ~~hospice inpatient facility,~~hospice or hospice residential care facility;
- 16 o. The opening of an additional office by an existing home health
 17 agency or ~~hospice~~hospice, not including a hospice inpatient facility,
 18 within its service area as defined by rules adopted by the
 19 Department; or the opening of any office by an existing home health
 20 agency or ~~hospice~~hospice, not including a hospice inpatient facility,
 21 outside its service area as defined by rules adopted by the
 22 Department.

23"
 24 **SECTION 2.** This act is effective when it becomes law. Any hospice inpatient
 25 facility which had operated under a certificate of need prior to the effective date of this act shall
 26 be exempt from certificate of need review after the effective date of this act.