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AVAILABILITY OF HOSPICE CARE IN NURSING HOMES

House Bill 5256

Sponsor: Rep. Randy Richardville

Committee: Health Policy

Complete to 10-17-01

A SUMMARY OF HOUSE BILL 5256 AS INTRODUCED 10-17-01

Part 217 of the Public Health Code provides for the licensing and regulation of nursing homes. Among other things, the code requires a nursing home to execute a written contract with an applicant or patient at the time an individual is admitted to a nursing home and at the expiration of the term of a previous contract. Alternatively, a nursing home may execute a written contract with the applicant's or the patient's guardian or legal representative who is authorized by law to have access to those portions of the patient's or applicant's income or assets available to pay for nursing home care. House Bill 5256 would amend this part of the code to add a requirement that a nursing home notify applicants or patients of the availability of hospice care in the nursing home before executing the written contract.

Specifically, the bill would require that the nursing home provide written notification to a patient or applicant or his or her guardian or legal representative of the availability or lack of availability of hospice care in the nursing home. The written notice would have to be provided in a specific paragraph located in a written contract, and that paragraph would have to be signed or initialed by the applicant, patient, guardian, or representative before the execution of the written contract. If the nursing home failed to comply with this requirement, the contract could be rendered void at the option of the patient, guardian, or representative.

Currently, the written contract must specify the term of the contract and the services, and charges for services, to be provided under the contract, among other things. The bill would require that the written contract specify the ability of the patient or the patient's guardian or legal representative to void the contract under specific circumstances. Also, the bill would specify that the written contract had to set forth the services (and charges for services) to be provided under the contract included the availability of hospice or other special care.

"Hospice" would mean "a health care program that provides a coordinated set of services rendered at home or in outpatient or institutional settings for individuals suffering from a disease or condition with a terminal prognosis."

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