

1 AN ACT concerning health facilities.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Hospice Program Licensing Act is amended
5 by changing Sections 3, 4, 5, 8, and 9 as follows:

6 (210 ILCS 60/3) (from Ch. 111 1/2, par. 6103)

7 Sec. 3. Definitions. As used in this Act, unless the
8 context otherwise requires:

9 (a) "Bereavement" means the period of time during which
10 the hospice patient's family experiences and adjusts to the
11 death of the hospice patient.

12 (b) "Department" means the Illinois Department of Public
13 Health.

14 (c) "Director" means the Director of the Illinois
15 Department of Public Health.

16 (d) "Full Hospice" means a coordinated program of home
17 and inpatient care providing directly, or through agreement,
18 palliative and supportive medical, health and other services
19 to terminally ill patients and their families. A full
20 hospice utilizes a medically directed interdisciplinary
21 hospice care team of professionals and volunteers. The
22 program provides care to meet the physical, psychological,
23 social, spiritual and other special needs which are
24 experienced during the final stages of illness and during
25 dying and bereavement. Home care is to be provided on a
26 part-time, intermittent, regularly scheduled basis, and on an
27 on-call around-the-clock basis according to patient and
28 family need. To the maximum extent possible, care shall be
29 furnished in the patient's home. Should in-patient care be
30 required, services are to be provided with the intent of
31 minimizing the length of such care and shall only be provided

1 in a hospital licensed under the Hospital Licensing Act, or a
2 skilled nursing facility licensed under the Nursing Home Care
3 Act.

4 (e) "Hospice care team" means an interdisciplinary
5 working unit composed of but not limited to a physician
6 licensed to practice medicine in all of its branches, a nurse
7 licensed pursuant to the Nursing and Advanced Practice
8 Nursing Act, a social worker, a pastoral or other counselor,
9 and trained volunteers. The patient and the patient's family
10 are considered members of the hospice care team when
11 development or revision of the patient's plan of care takes
12 place.

13 (f) "Hospice patient" means a terminally ill person
14 receiving hospice services.

15 (g) "Hospice patient's family" means a hospice patient's
16 immediate family consisting of a spouse, sibling, child,
17 parent and those individuals designated as such by the
18 patient for the purposes of this Act.

19 (g-1) "Hospice residence" means a home, apartment
20 building, or similar building providing living quarters:

21 (1) that is owned or operated by a person licensed
22 to operate as a ~~full~~ hospice; and

23 (2) at which hospice services are provided to
24 facility residents.

25 A building that is licensed under the Hospital Licensing
26 Act or the Nursing Home Care Act is not a hospice residence.

27 (h) "Hospice services" means palliative and supportive
28 care provided to a hospice patient and his family to meet the
29 special need arising out of the physical, emotional,
30 spiritual and social stresses which are experienced during
31 the final stages of illness and during dying and bereavement.
32 Services provided to the terminally ill patient shall be
33 furnished, to the maximum extent possible, in the patient's
34 home. Should inpatient care be required, services are to be

1 provided with the intent of minimizing the length of such
2 care.

3 (i) "Palliative care" means treatment to provide for the
4 reduction or abatement of pain and other troubling symptoms,
5 rather than treatment aimed at investigation and intervention
6 for the purpose of cure or inappropriate prolongation of
7 life.

8 (j) "Hospice service plan" means a plan detailing the
9 specific hospice services offered by a ~~full-or-volunteer~~
10 hospice, and the administrative and direct care personnel
11 responsible for those services. The plan shall include but
12 not be limited to:

13 (1) Identification of the person or persons
14 administratively responsible for the program, ~~and the~~
15 ~~affiliation of such person or persons with a licensed~~
16 ~~home health agency, hospital or nursing home.~~

17 (2) The estimated average monthly patient census.

18 (3) The proposed geographic area the hospice will
19 serve.

20 (4) A listing of those hospice services provided
21 directly by the hospice, and those hospice services
22 provided indirectly through a contractual agreement.

23 (5) The name and qualifications of those persons or
24 entities under contract to provide indirect hospice
25 services.

26 (6) The name and qualifications of those persons
27 providing direct hospice services, with the exception of
28 volunteers.

29 (7) A description of how the hospice plans to
30 utilize volunteers in the provision of hospice services.

31 (8) A description of the program's record keeping
32 system.

33 (k) "Terminally ill" means a medical prognosis by a
34 physician licensed to practice medicine in all of its

1 branches that a patient has an anticipated life expectancy of
2 a year 6-months or less.

3 (1) "Volunteer" means a person who offers his or her
4 services to a hospice without compensation. Reimbursement
5 for a volunteer's expenses in providing hospice service shall
6 not be considered compensation.

7 ~~(m) -- "Volunteer--hospice" -- means a program which provides
8 hospice services to patients regardless of their ability to
9 pay, with emphasis on the utilization of volunteers to
10 provide services, under the administration of a
11 not-for-profit agency. This definition does not prohibit the
12 employment of staff.~~

13 (Source: P.A. 89-278, eff. 8-10-95; 90-742, eff. 8-13-98.)

14 (210 ILCS 60/4) (from Ch. 111 1/2, par. 6104)
15 Sec. 4. License.

16 (a) No person shall establish, conduct, or maintain a
17 ~~full-or-volunteer~~ hospice without first obtaining a license
18 from the Department. A hospice residence may be operated
19 only at the locations listed on the license. A ~~full~~ hospice
20 owning or operating a hospice residence is not subject to the
21 provisions of the Nursing Home Care Act in owning or
22 operating a hospice residence.

23 (b) No public or private agency shall advertise or
24 present itself to the public as a ~~full-or-volunteer~~ hospice
25 which provides hospice services without meeting the
26 provisions of subsection (a).

27 (c) The license shall be valid only in the possession of
28 the hospice ~~home-health-agency, hospital, nursing-home-or~~
29 ~~not-for-profit-agency~~ to which it was originally issued.

30 (d) The license shall be renewed annually.

31 (e) The license shall be displayed in a conspicuous
32 place inside the hospice program office.

33 (Source: P.A. 89-278, eff. 8-10-95.)

(210 ILCS 60/5) (from Ch. 111 1/2, par. 6105)

Sec. 5. Application for License. An application for license or renewal thereof to operate as a ~~full-or-volunteer~~ hospice shall be made to the Department upon forms provided by it, and shall contain information reasonably required by the Department, ~~taking into consideration the different categories of hospice programs.~~ The application shall be accompanied by:

(1) The hospice service plan;

(2) A financial statement containing information deemed appropriate by the Department ~~for the category of the applicant;~~ and

(3) A uniform license fee determined by the Department ~~based on the hospice program's category.~~

(Source: P.A. 84-427.)

(210 ILCS 60/8) (from Ch. 111 1/2, par. 6108)

Sec. 8. General Requirements for ~~Full~~ Hospices. ~~Full~~ Hospices shall comply with the following requirements:

(a) The hospice program's services shall include physician services, nursing services, medical social services, counseling, and volunteer services. These services shall be coordinated with those of the hospice patient's primary or attending physician.

(b) The hospice program shall coordinate its services with professional and nonprofessional services already in the community. The program may contract out for elements of its services; however, direct patient contact and overall coordination of hospice services shall be maintained by the hospice care team. Any contract entered into between a hospice and a health care facility or service provider shall specify that the hospice retain the responsibility for planning and coordinating hospice services and care on behalf of a hospice patient and his family. All contracts shall be

1 in compliance with this Act. No hospice which contracts for
2 any hospice service shall charge fees for services provided
3 directly by the hospice care team which duplicate contractual
4 services provided to the individual patient or his family.

5 (c) The hospice care team shall be responsible for the
6 coordination of home and inpatient care.

7 (d) The hospice program shall have a medical director
8 who shall be a physician licensed to practice medicine in all
9 of its branches. The medical director shall have overall
10 responsibility for medical direction of the care and
11 treatment of patients and their families rendered by the
12 hospice care team, and shall consult and cooperate with the
13 patient's attending physician.

14 (e) The hospice program shall have a bereavement program
15 which shall provide a continuum of supportive services for
16 the family.

17 (f) The hospice program shall foster independence of the
18 patient and his family by providing training, encouragement
19 and support so that the patient and family can care for
20 themselves as much as possible.

21 (g) The hospice program shall not impose the dictates of
22 any value or belief system on its patients and their
23 families.

24 (h) The hospice program shall clearly define its
25 admission criteria. Decisions on admissions shall be made by
26 a hospice care team and shall be dependent upon the expressed
27 request and informed consent of the patient or the patient's
28 legal guardian.

29 (i) The hospice program shall keep accurate, current and
30 confidential records on all hospice patients and their
31 families.

32 (j) The hospice program shall utilize the services of
33 trained volunteers.

34 (k) The hospice program shall consist of both home care

1 and inpatient care which incorporates the following
2 characteristics:

3 (1) The home care component shall be the primary form of
4 care, and shall be available on a part-time, intermittent,
5 regularly scheduled basis and on an on-call around-the-clock
6 basis, according to patient and family need.

7 (2) The inpatient component shall primarily be used only
8 for short-term stays.

9 If possible, inpatient care should closely approximate a
10 home-like environment, and provide overnight family
11 visitation within the facility.

12 (Source: P.A. 83-457.)

13 (210 ILCS 60/9) (from Ch. 111 1/2, par. 6109)

14 Sec. 9. Standards. The Department shall prescribe, by
15 regulation, minimum standards for licensed hospice programs.

16 (a) The standards for ~~full~~ hospices shall include but
17 not be limited to:

18 (1) Compliance with the requirements in Section 8.

19 (2) The number and qualifications of persons
20 providing direct hospice services.

21 (3) The qualifications of those persons contracted
22 with to provide indirect hospice services.

23 (4) The palliative and supportive care and
24 bereavement counseling provided to a hospice patient and
25 his family.

26 (5) Hospice services provided on an inpatient
27 basis.

28 (6) Utilization review of patient care.

29 (7) The quality of care provided to patients.

30 (8) Procedures for the accurate and centralized
31 maintenance of records on hospice services provided to
32 patients and their families.

33 (9) The use of volunteers in the hospice program,

1 and the training of those volunteers.

2 (10) The rights of the patient and the patient's
3 family.

4 (b) (Blank) ~~The standards for volunteer hospice programs~~
5 ~~shall include but not be limited to:~~

6 ~~(1) The direct and indirect services provided by~~
7 ~~the hospice, including the qualifications of personnel~~
8 ~~providing medical care.~~

9 ~~(2) Quality review of the services provided by the~~
10 ~~hospice program.~~

11 ~~(3) Procedures for the accurate and centralized~~
12 ~~maintenance of records on hospice services provided to~~
13 ~~patients and their families.~~

14 ~~(4) The rights of the patient and the patient's~~
15 ~~family.~~

16 ~~(5) The use of volunteers in the hospice program.~~

17 ~~(6) The disclosure to the patients of the range of~~
18 ~~hospice services provided and not provided by the hospice~~
19 ~~program.~~

20 (c) The standards for hospices owning or operating
21 hospice residences shall address the following:

22 (1) The safety, cleanliness, and general adequacy
23 of the premises, including provision for maintenance of
24 fire and health standards that conform to State laws and
25 municipal codes, to provide for the physical comfort,
26 well-being, care, and protection of the residents.

27 (2) Provisions and criteria for admission,
28 discharge, and transfer of residents.

29 (3) Fee and other contractual agreements with
30 residents.

31 (4) Medical and supportive services for residents.

32 (5) Maintenance of records and residents' right of
33 access of those records.

34 (6) Procedures for reporting abuse or neglect of

1 residents.

2 (7) The number of persons who may be served in a
3 residence, which shall not exceed 16 persons per
4 location.

5 (8) The ownership, operation, and maintenance of
6 buildings containing a hospice residence.

7 (9) The number of licensed hospice residences shall
8 not exceed 6 before December 31, 1996 and shall not
9 exceed 12 before December 31, 1997. The Department shall
10 conduct a study of the benefits of hospice residences and
11 make a recommendation to the General Assembly as to the
12 need to limit the number of hospice residences after June
13 30, 1997.

14 (d) (Blank) ~~In-developing-the--standards--for--hospices,~~
15 ~~the--Department--shall--take--into--consideration--the--category--of~~
16 ~~the--hospice--programs.~~

17 (Source: P.A. 89-278, eff. 8-10-95.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.