

**§8622. Licensing of hospice programs**

**1. License required.** Beginning January 1, 1995, a person, partnership, association or corporation may not represent itself as a hospice program, operate a hospice program or otherwise provide hospice services unless the person, partnership, association or corporation has obtained a license by the department.

[PL 1993, c. 692, §1 (NEW).]

**2. Licenses.** If, after receiving an application for a license, the department finds that all the conditions of licensure are met, it shall issue a license to the applicant for a period of 2 years. If the department finds less than full compliance with the conditions of licensure, it may issue a conditional license.

The department may issue a conditional license if the applicant fails to comply with applicable laws and rules but the best interest of the public would be served by issuing a conditional license. The conditional license must specify when and what corrections must be made during the term of the conditional license.

When an applicant fails to comply with applicable laws and rules, the department may refuse to issue or renew the license.

[PL 1993, c. 692, §1 (NEW).]

**3. Appeals.** An applicant who is denied a license, or whose application is not acted upon with reasonable promptness, has the right of appeal to the commissioner. The commissioner shall provide the appellant with reasonable notice and opportunity for a fair hearing. The commissioner or a member of the department designated and authorized by the commissioner shall hear all evidence pertinent to the matter at issue and render a decision within a reasonable period after the date of the hearing. The hearing must conform to the procedures detailed in this subsection. Review of any action or failure to act under this chapter must be pursuant to Title 5, chapter 375, subchapter VII. An action relative to the denial of a license provided under this chapter must be communicated to the applicant in writing and must include the specific reason or reasons for that action and must state that the person affected has a right to a hearing.

[PL 1993, c. 692, §1 (NEW).]

**4. Deemed status.** A Medicare-certified hospice is deemed to meet the licensure requirements for a hospice program if it attests in writing that it meets all state licensure requirements.

[PL 1993, c. 692, §1 (NEW).]

**5. Medicare certification and requirements.** Beginning July 1, 1996 any hospice program except a volunteer hospice program must be Medicare-certified and meet Medicare requirements to be eligible for licensure as a hospice program.

[PL 1995, c. 486, §1 (AMD).]

**6. Right of entry and inspection.** A duly designated employee of the department may enter the premises of any hospice provider who has applied for a license or who is licensed pursuant to this chapter or rules adopted pursuant to this chapter. These employees may inspect relevant documents of the hospice provider to determine whether the provider is in compliance with this chapter and rules adopted pursuant to this chapter. The right of entry and inspection extends to any premises and documents of providers whom the department has reason to believe are providing hospice services without a license. These entries or inspections must be made with the permission of the owner or person in charge unless a warrant is first obtained from the District Court authorizing that entry or inspection under section 2148.

[PL 1993, c. 692, §1 (NEW).]

**7. Application fee.** Each application for a license under this chapter must be accompanied by a fee established by the department, based on the cost of survey and enforcement. All fees collected under this subsection must be deposited into the General Fund.  
[PL 1993, c. 692, §1 (NEW).]

**8. Sanctions.** A person who violates this chapter commits a civil violation for which a forfeiture not to exceed \$100 per day of violation may be adjudged.  
[PL 1993, c. 692, §1 (NEW).]

**9. Compliance.** A hospice program must meet all appropriate state rules and federal regulations.  
[PL 1993, c. 692, §1 (NEW).]

**10. Minimum survey requirement.** Notwithstanding subsection 4, a hospice program is not eligible for licensure or renewal of licensure unless the hospice program has had a Medicare survey or a state licensure survey within the previous 3 years.  
[PL 1993, c. 692, §1 (NEW).]

#### SECTION HISTORY

PL 1993, c. 692, §1 (NEW). PL 1995, c. 486, §1 (AMD).

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