

SENATE BILL NO. 382—SENATORS TITUS AND RAGGIO

MARCH 11, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Makes various changes regarding provision of hospice care. (BDR 38-1188)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to hospice care; revising the benefits for such care required to be provided to persons eligible for Medicaid; authorizing certain nurses who provide such care to make pronouncements of death; expanding the class of facilities eligible to obtain a license to provide such care; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 422.304 is hereby amended to read as follows:
- 2 422.304 1. The department, through the welfare division, shall pay,
- 3 under the state plan for Medicaid:
- 4 (a) A ~~freestanding~~ facility for hospice care licensed pursuant to ~~NRS~~
- 5 ~~449.030; or~~ ***chapter 449 of NRS for the services for hospice care,***
- 6 ***including room and board, provided by that facility to a person who is***
- 7 ***eligible to receive Medicaid.***
- 8 (b) A program for hospice care licensed pursuant to ~~NRS 449.030,~~
- 9 ***chapter 449 of NRS*** for the services for hospice care provided by that
- 10 ~~facility or~~ program to a person who is eligible to receive Medicaid.
- 11 2. As used in this section:
- 12 (a) ~~“Freestanding facility”~~ ***“Facility*** for hospice care” has the meaning
- 13 ascribed to it in ~~NRS 449.006;~~ ***section 3 of this act.***
- 14 (b) “Hospice care” has the meaning ascribed to it in NRS 449.0115.
- 15 **Sec. 2.** NRS 440.415 is hereby amended to read as follows:
- 16 440.415 1. A physician who anticipates the death of a patient because
- 17 of an illness, infirmity or disease may authorize a specific registered nurse

1 or the registered nurses employed by a medical facility *or program for*
2 *hospice care* to make a pronouncement of death if they attend the death of
3 the patient.

4 2. Such an authorization is valid for 120 days. Except as otherwise
5 provided in subsection 3, the authorization must:

6 (a) Be a written order entered on the chart of the patient;

7 (b) State the name of the registered nurse or nurses authorized to make
8 the pronouncement of death; and

9 (c) Be signed and dated by the physician.

10 3. If the patient is in a medical facility ~~H~~ *or under the care of a*
11 *program for hospice care*, the physician may authorize the registered
12 nurses employed by the facility *or program* to make pronouncements of
13 death without specifying the name of each nurse.

14 4. If a pronouncement of death is made by a registered nurse, the
15 physician who authorized that action shall sign the medical certificate of
16 death within 24 hours after being presented with the certificate.

17 5. If a patient in a medical facility is pronounced dead by a registered
18 nurse employed by the facility, the registered nurse may release the body of
19 the patient to a licensed funeral director pending the completion of the
20 medical certificate of death by the attending physician if the physician or
21 the medical director or chief of the medical staff of the facility has
22 authorized the release in writing.

23 6. The board may adopt regulations concerning the authorization of a
24 registered nurse to make pronouncements of death.

25 7. As used in this section:

26 (a) "Medical facility" means:

27 (1) A facility for skilled nursing as defined in NRS 449.0039;

28 (2) A ~~freestanding~~ facility for hospice care as defined in ~~NRS~~
29 ~~449.006;~~ *section 3 of this act;*

30 (3) A hospital as defined in NRS 449.012;

31 (4) An agency to provide nursing in the home as defined in NRS
32 449.0015; or

33 (5) A facility for intermediate care as defined in NRS 449.0038.

34 (b) *"Program for hospice care" means a program for hospice care*
35 *licensed pursuant to chapter 449 of NRS.*

36 (c) "Pronouncement of death" means a declaration of the time and date
37 when the cessation of the cardiovascular and respiratory functions of a
38 patient occurs as recorded in the patient's medical record by the attending
39 provider of health care in accordance with the provisions of chapter 440 of
40 NRS.

1 **Sec. 3.** Chapter 449 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 ***“Facility for hospice care” means a facility which is operated to***
4 ***provide hospice care.***

5 **Sec. 4.** NRS 449.001 is hereby amended to read as follows:

6 449.001 As used in this chapter, unless the context otherwise requires,
7 the words and terms defined in NRS 449.0015 to 449.019, inclusive, ***and***
8 ***section 3 of this act*** have the meanings ascribed to them in those sections.

9 **Sec. 5.** NRS 449.0151 is hereby amended to read as follows:

10 449.0151 “Medical facility” includes:

- 11 1. A surgical center for ambulatory patients;
- 12 2. An obstetric center;
- 13 3. An independent center for emergency medical care;
- 14 4. An agency to provide nursing in the home;
- 15 5. A facility for intermediate care;
- 16 6. A facility for skilled nursing;
- 17 7. A ~~freestanding~~ facility for hospice care;
- 18 8. A hospital;
- 19 9. A psychiatric hospital;
- 20 10. A facility for the treatment of irreversible renal disease;
- 21 11. A rural clinic; and
- 22 12. A nursing pool.

23 **Sec. 6.** NRS 449.030 is hereby amended to read as follows:

24 449.030 1. No person, state or local government or agency thereof
25 may operate or maintain in this state any medical facility or facility for the
26 dependent without first obtaining a license therefor as provided in NRS
27 449.001 to 449.240, inclusive.

28 2. Unless licensed as a ~~freestanding~~ facility for hospice care, a
29 person, state or local government or agency thereof shall not operate a
30 program of hospice care without first obtaining a license for the program
31 from the board.

32 **Sec. 7.** NRS 449.0315 is hereby amended to read as follows:

33 449.0315 1. A licensed ~~freestanding~~ facility for hospice care may
34 provide any of the following levels of care for terminally ill patients:

- 35 (a) Medical care for a patient who is in an acute episode of illness;
- 36 (b) Skilled nursing care;
- 37 (c) Intermediate care; and
- 38 (d) Custodial care.

39 2. A licensed ~~freestanding~~ facility for hospice care may provide direct
40 supportive services to a patient’s family and persons who provide care for
41 the patient, including services which provide care for the patient during the
42 day and other services which provide a respite from the stresses and
43 responsibilities that result from the daily care of the patient.

Sec. 8. NRS 449.260 is hereby amended to read as follows:

449.260 As used in NRS 449.250 to 449.430, inclusive:

1. "Community mental health center" means a facility providing services for the prevention or diagnosis of mental illness, or care and treatment of mentally ill patients, or rehabilitation of such persons, which services are provided principally for persons residing in a particular community in or near which the facility is situated.

2. "Construction" includes **the** construction of new buildings, modernization, expansion, remodeling and alteration of existing buildings, and initial equipment of such buildings, ~~{}~~ including medical transportation facilities ~~{}, including{}~~, **and includes** architects' fees, but ~~{excluding}~~ **excludes** the cost of offsite improvements and, except with respect to public health centers, the cost of the acquisition of the land.

3. "Facility for the mentally retarded" means a facility specially designed for the diagnosis, treatment, education, training or custodial care of the mentally retarded, including facilities for training specialists and sheltered workshops for the mentally retarded, but only if such workshops are part of facilities which provide or will provide comprehensive services for the mentally retarded.

4. "Federal Act" means 42 U.S.C. §§ 291 to 291o-l, inclusive, and 300k to 300t, inclusive, and any other federal law providing for or applicable to the provision of assistance for health facilities.

5. "Federal agency" means the federal department, agency or official designated by law, regulation or delegation of authority to administer the Federal Act.

6. "Health facility" includes a public health center, hospital, ~~{freestanding}~~ facility for hospice care, facility for the mentally retarded, community mental health center, and other facility to provide diagnosis, treatment, care, rehabilitation, training or related services to persons with physical or mental impairments, including diagnostic or diagnostic and treatment centers, rehabilitation facilities and nursing homes, as those terms are defined in the Federal Act, and such other facilities for which federal aid may be authorized under the Federal Act, but, except for facilities for the mentally retarded, does not include any facility furnishing primarily domiciliary care.

7. "Nonprofit health facility" means any health facility owned and operated by a corporation or association, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or natural person.

8. "Public health center" means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics and administrative offices operated in connection with public health centers.

1 9. "State department" means the department of human resources, acting
2 through its appropriate divisions.

3 **Sec. 9.** NRS 449.006 is hereby repealed.

4 **Sec. 10.** 1. This section and sections 2 to 9, inclusive, of this act
5 become effective on July 1, 1999.

6 2. Section 1 of this act becomes effective at 12:01 a.m. on July 1, 1999.

TEXT OF REPEALED SECTION

449.006 "Freestanding facility for hospice care" defined.

"Freestanding facility for hospice care" means a facility which is physically separate from any other medical facility and is operated exclusively for the provision of hospice care.

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