

April 3, 2009

To: N.C. Medical Care Commission

From: DHSR Acute and Home Care Licensure and Certification Section

RE: Adoption of Amendment to Hospice Rule

The Division received a petition for rule change of 10A NCAC 13K .1202 “Additional Staffing Requirements for Hospice Inpatient Units” from the Carolinas Center for Hospice and End of Life Care. We are asking approval from the Commission to initiate the rule-making process.

The current rule 10A NCAC 13K .1202 “Additional Staffing Requirements for Hospice Inpatient Units” specifies that one registered nurse and one additional staff person shall be on duty at all times to meet patients’ total nursing needs.

The Hospice Conditions of Participation (CoP) Standard 418.110 “Hospices That Provide Inpatient Care Directly” 418.110(b)(2) interpretative guidelines indicate “It is not automatically necessary to have a RN assigned to every shift to provide direct patient care if the only hospice patients in a facility are receiving the respite or routine levels of care. Staffing for a facility solely providing the respite or routine home care levels of care to hospice patients should be based on each patient’s care needs. . .”

In summary, the amendment to the rule is requested to establish consistency between 10A NCAC 13K.1202 and the Hospice CoP 418.110(b)(2) in that the presence of the RN to provide direct patient care is only required when the patient’s care needs requires nursing services, *and is not required* for patients receiving routine inpatient respite care.

We are asking for approval from the N.C. Medical Care Commission to proceed forward with rule making such that the rule can be adopted and forwarded to the Office of Administrative Hearings for publication in the N.C. Register.

1 10A NCAC 13K .1202 is proposed for amendment as follows:

2

3 **10A NCAC 13K .1202 ADDITIONAL STAFFING REQUIREMENTS FOR HOSPICE INPATIENT**
4 **UNITS**

5 (a) All nursing services shall be provided under the supervision of a registered nurse.

6 (b) ~~There shall be sufficient nursing personnel on duty to meet patients' total nursing needs. In place of the staffing~~
7 ~~requirements in 10A NCAC 13K .1102(a) and (b), one registered nurse and one additional staff person shall be on~~
8 ~~duty at all times.~~ A facility providing respite care must provide 24 – hour nursing services that meet the nursing
9 needs of all patients and are furnished in accordance with each patient’s plan of care. Each patient must receive all
10 nursing services as prescribed by the physician and must be kept comfortable, clean, well-groomed and protected
11 from accident, injury and infection. The presence of a Registered Nurse (RN) to provide direct care on all shifts is
12 not required for patients receiving general inpatient care for respite unless specific nursing needs are in an individual
13 patient’s plan of care. If a patient in an inpatient facility is receiving general inpatient care for symptom
14 management, then the 24-hour patient care RN staff must be available.

15 (c) Considerations for determining sufficiency of nursing personnel ~~include, but are not limited to:~~ include:

- 16 (1) number of patients;
17 (2) specific patient care requirements;
18 (3) family care needs; and
19 (4) availability of support from other interdisciplinary team members.

20 (d) Hospice caregivers shall only provide care to patients in licensed hospice residential beds in a combined hospice
21 inpatient and residential facility.

22

23 *History Note: Authority G.S. 131E-202;*

24 *Eff. June 1, 1991;*

25 *Amended Eff. January 1, 2010; February 1, 1996.*