

**STATE OF NORTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**MEDICAL CARE COMMISSION QUARTERLY MEETING
DIVISION OF HEALTH SERVICE REGULATION
801 BIGGS DRIVE, RALEIGH NC 27603
BROWN BUILDING CONFERENCE ROOM- 104**

Via Conference Call

March 7, 2013

11:00 A.M.

AGENDA

MEMBERS PRESENT	MEMBERS ABSENT
Lucy H. Bode, Chairperson Joseph D. Crocker, Vice-Chairperson George A. Binder, M.D. George H.V. Cecil Gerald P. Cox John Fagg, M.D. Charles T. Frock Elizabeth Kanof, M.D. Eileen Kugler, RN, MSN, MPH, FNP Paul McGill, DDS Mary L. Piepenbring Carl K. Rust, M.D. Robert E. Schaaf, M.D. Margaret Weller-Stargell <u>DIVISION OF HEALTH SERVICE REGULATION STAFF</u> Drexdal Pratt, Director, DHSR/Secretary, MCC Christopher B. Taylor, CPA, Assistant Secretary, MCC Megan Lamphere, Rules Coordinator, DHSR Diana Barbry, Executive Assistant, MCC/DHSR Alice Creech, Bond Program Assistant, MCC/DHSR	Henry A. Unger, M.D. Albert F. Lockamy, Jr., RPh

- I. **MEETING OPENS** – Roll Call – Chris Taylor
- II. **CHAIRPERSON’S COMMENTS** - Mrs. Bode will comment on matters of importance to the Commission.
- III. **OLD BUSINESS**
There is no Old Business to come before the Commission at this time.
- IV. **NEW BUSINESS**
Petition for Amendment to Rule 10 A NCAC 13 K .0301 to limit the geographic service area of Hospice Agency.

1. **Megan Lamphere, DHSR Rules Coordinator**
2. **Comments from General Public** – Renee Montgomery, Legal Counsel, John Thoma, Hospice of Wake County, David Stone, Carolinas Center for Hospice and Tim Rogers, President/CEO of Home Hospice Association.
3. **Executive Committee Recommendation** – To adopt staff recommendation to not proceed with the amendment to Rule 10A NCAC 13K .0301.
4. **Commission Action:** No Action taken, Petition was withdrawn by interested parties.

10A NCAC 13K .0301 is proposed for amendment as follows:

SECTION .0300 – ADMINISTRATION

10A NCAC 13K .0301 AGENCY MANAGEMENT AND SUPERVISION

(a) The governing body or its designee shall establish and implement at a minimum, a description of written policies governing all aspects of the hospice program. Such policies shall be available for inspection by the Department and shall include at a minimum:

- (1) provision for offering of the full scope of hospice services in the agency's defined service area;
- (2) admission and discharge policies;
- (3) patient's rights policies, including the right to have an advance directive;
- (4) personnel policies and records;
- (5) orientation, patient family volunteer training, and inservice education policies;
- (6) communicable disease exposure and infection control policies;
- (7) care planning and updates policies;
- (8) medical record content and handling of orders for drug treatment administration;
- (9) annual evaluation of the agency;
- (10) storage, preventive maintenance, and infection control of supplies and equipment;
- (11) handling of complaints about services; and
- (12) emergency preparedness and disaster planning.

(b) The governing body shall designate an individual to serve as agency director.

(c) There shall be written policies that specify the authority and responsibilities of the director. In the event this position becomes vacant, the Department shall be notified in writing within five working days of the vacancy along with the name of the replacement if available. Agency policies shall define the order of authority in the absence of the administrator.

(d) The agency shall have the ultimate responsibility for the services provided under its license; however, it may make arrangements with contractors and others to provide services in accordance with Rule .0505 of this Subchapter.

(e) A hospice agency shall have written policies which identify the specific geographic areas in which the agency provides its services. In order to assure effective coordination and supervision of services, the geographic service area of a hospice agency shall be limited to an area which includes:

- 1) the county where the agency is located;

- 2) counties that are contiguous to the county where the agency is located or an area within 60 minutes driving time from the site where the agency is located, whichever is greater; and
- 3) an area beyond Items (1) and (2) if necessary to provide adequate access to hospice services as determined by the Department.

Agencies providing services to any client prior to January 1, 2013 who resides in an area that is beyond the geographic service area defined in this paragraph may continue to provide services to that client in an area which is beyond the agency's service area until that client is discharged from the agency.

(f) Subject to the limitations on geographic service area set forth in Paragraph (e) of this Rule, if an agency plans to permanently expand its geographic service area beyond that currently on file with the Department without opening an additional site, the Department shall be notified in writing 30 days in advance. The agency must offer its full scope of hospice services in its entire geographic service area.

*History Note: Authority G.S. 131E-202;
Eff. November 1, 1984;
Amended Eff. January 1, 2014; February 1, 1996.*

THE MEETING ADJOURNED AROUND 12:20 P.M.

**Drexdal Pratt
Secretary**

***Drexdal Pratt
3/20/2013***

Date