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CHAPTER 71.

 LICENSURE OF HOSPICE PROGRAMS

**SECTION 44‑71‑10.** Short title.

This chapter may be cited as the “Hospice Licensure Act”.

**SECTION 44‑71‑20.** Definitions.

As used in this chapter:

(1) “Board” means the South Carolina Board of Health and Environmental Control.

(2) “Department” means the South Carolina Department of Health and Environmental Control.

(3) “Hospice” means a centrally administered, interdisciplinary health care program. This program must provide a continuum of medically supervised palliative and supportive care for the terminally ill patient and the family including, but not limited to, outpatient and inpatient services provided directly or through written agreement. Inpatient services include, but are not limited to, services provided by a hospice in a licensed hospice facility.

Admission to a hospice program of care is based on the voluntary request of the hospice patient alone or in conjunction with designated family members.

(4) “Hospice facility” means an institution, place, or building in which a licensed hospice provides room, board, and appropriate hospice services on a twenty‑four hour basis to individuals requiring hospice care pursuant to the orders of a physician.

(5) “Licensee” means the individual, corporation, or public entity with whom rests the ultimate responsibility for maintaining approved standards for the hospice or hospice facility.

**SECTION 44‑71‑30.** License for operation of hospice.

No person, private or public organization, political subdivision, or other governmental agency may establish, conduct, or maintain a hospice or represent itself as a hospice without first obtaining a license from the department. This license is effective for a twelve‑month period following the date of issue and must prescribe by county the geographic area authorized to be served. A license issued under this chapter is not assignable or transferable and is subject to suspension or revocation at any time for failure to comply with this chapter.

**SECTION 44‑71‑40.** Application for license.

A person desiring to obtain a license must file with the department an application on a form prescribed, prepared, and furnished by the department.

**SECTION 44‑71‑50.** Fees.

The department is authorized to establish reasonable fees to be used in the administration of the program.

**SECTION 44‑71‑60.** Regulations.

The department shall promulgate regulations which define needs, services, and standards for the care, treatment, health, safety, welfare, and comfort of patients and their families served by hospices and for the maintenance and operation of hospices, including hospice facilities, which will promote safe and adequate care and treatment of the patients and their families.

**SECTION 44‑71‑65.** Hospice to comply with department regulations; not subject to nursing home or community residential care facility licensure and regulation.

Notwithstanding any other provision of law, a hospice facility must comply with the regulations promulgated by the department pursuant to this chapter and is not subject to regulations pertaining to the licensure and regulation of nursing homes or community residential care facilities.

**SECTION 44‑71‑70.** Authority to issue, deny, suspend or revoke licenses.

The department is authorized to issue, deny, suspend, or revoke licenses in accordance with regulations promulgated pursuant to this section. Such regulations must include hearing procedures related to denial, suspension, or revocation of licenses.

**SECTION 44‑71‑80.** Annual inspections.

Each hospice for which a license has been issued must be inspected by an authorized representative of the department at least once a year for the purpose of ensuring that the provisions of this chapter are being followed.

**SECTION 44‑71‑90.** Discrimination prohibited.

Hospices must not discriminate based on age, sex, race, color, religion, or source of payment, location of patient, acceptance or provision of goods and services to patients of potential patients.

**SECTION 44‑71‑95.** Hospice services by health care facility.

Nothing in this chapter may be construed to prohibit a health care facility from providing hospice services through contractual arrangements with a licensed hospice operation.

**SECTION 44‑71‑100.** Rebates, kickbacks and fee‑splitting prohibited.

Hospices may not participate in, or offer, or imply an offer to participate in the practice known generally as rebate, kickbacks, or fee‑splitting arrangements.

**SECTION 44‑71‑110.** Penalties.

Any person who violates the provisions of this chapter is guilty of a misdemeanor and upon conviction shall be fined not to exceed five hundred dollars or imprisoned for a period not to exceed six months or both.