



# **105 CMR 141.000: *Licensure of Hospice Programs***

## **Final Regulatory Amendment Presentation**

**Sherman Lohnes, Esq.**

**Director of the Division of Health Care Facility Licensure and Certification  
Bureau of Health Care Safety and Quality**

**Lauren B. Nelson, Esq.**

**Director of Policy and Regulatory Affairs**

**Public Health Council**

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## Background

- The purpose of this presentation is to request final promulgation by the Public Health Council of the proposed revisions to 105 CMR 141.000, *Licensure of Hospice Programs*.
- These amendments are proposed as part of the regulatory review process, mandated by Executive Order 562.
- This regulation sets forth standards for hospice services, which may be offered in multiple types of health care settings and in the community, including a patient's home, a nursing home, or a free-standing hospice facility operated by a hospice program.
- This regulation ensures a high quality of care, industry standardization and strong consumer protection for individuals receiving care at end of life.



## Highlights of Preliminary Review

As a reminder, on November 9, 2016, the Department presented to the Public Health Council proposed revisions to 105 CMR 141.000, *Licensure of Hospice Programs*, to update terminology, clarify definitions, and eliminate outdated or unnecessary requirements. Specific preliminary revisions included:

- Defining “primary care provider” to reflect the role of a range of health care professionals in providing care to hospice patients;
- Updating the transfer of ownership procedure;
- Clarifying training requirements for hospice program employees providing dementia care to residents in nursing homes;
- Aligning the regulations with other healthcare licensure regulations; and
- Allowing for clear construction standards for inpatient hospice facilities that can be more easily updated when necessary.



As a result of the comments received during the public comment period, including a public hearing, DPH recommends further revisions to 105 CMR 141.000, which will achieve the following:

- Extend abuse reporting requirements to hospice administrators; and
- Further clarify dementia care training requirements for hospice workers.



## Post-Comment Review: Reporting Requirements

The current regulation requires hospice workers to report suspected abuse, mistreatment, neglect or misappropriation of hospice patient property.

Upon preliminary review, the regulation was amended for clarity and consistency with other healthcare licensure regulations.

A commenter questioned whether the regulation requires, not only hospice workers, but also the hospice program to make such reports to DPH.

- Upon further review of the regulation, the Department has not extended this reporting requirement to hospice programs because the patient abuse law, M.G.L c. 111 § 72G, pertains to individuals to encourage reporting without fear of retaliation.
- However, DPH has extended this individual reporting requirement to hospice administrators, based on their inclusion as mandated reporters in M.G.L c. 111 § 72G.



## Post-Comment Review: Dementia Care Training

Long term care regulations, 105 CMR 150.024 and 150.025, took effect in 2014, pursuant to M.G.L. c. 111 § 71C, requiring dementia care training for all direct care workers in nursing homes.

The current hospice regulation was not amended at that time, but sub-regulatory guidance outlined the dementia training requirement for hospice employees that provide care in long term care facilities.

Upon preliminary review, a requirement for hospice programs to document such dementia care training for any employee providing direct care in nursing homes, consistent with 150.024 and 150.025, has been included in the regulation.



## Post-Comment Review: Dementia Care Training

In response to several comments, the Department has clarified that an employee's training is transferrable among hospice programs and long-term care facilities, as long as the standards of 105 CMR 150.000 are met:

- The proposed amendments codify existing practice, as communicated to providers in Department guidance dated February 1, 2016.



## Conclusion/Next Steps

- Staff requests the Public Health Council approve the proposed regulations for promulgation.
- Following Public Health Council approval, the Department will file the amended regulation with the Secretary of the Commonwealth for final enactment.



- Thank you for the opportunity to present this information today.
- For more information on 105 CMR 141, *Licensure of Hospice Programs*, please find the relevant statutory language (M.G.L. c. 111, § 3, 57D) and the full current regulation here:  
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111>  
<http://www.mass.gov/courts/docs/lawlib/104-105cmr/105cmr141.pdf>