

4664.0020 GENERAL PROVISIONS.

Subpart 1. **Compliance.** A hospice provider must maintain compliance and provide hospice services and programs as required by this chapter and Minnesota Statutes, sections 144A.75 to 144A.755.

Subp. 2. **Required services.** A hospice provider must be regularly engaged in providing care and services to hospice patients. The hospice provider must ensure that at least two core services are regularly provided by hospice employees. The core services are:

- A. physician services;
- B. registered nursing services;
- C. medical social services; and
- D. counseling services.

Subp. 3. **Service availability.** A hospice provider must make hospice care, including nursing services, physician services, and short-term inpatient care, available on a 24-hour basis, seven days a week. The hospice provider must also ensure the availability of drugs and biologicals on a 24-hour basis, seven days a week.

Subp. 4. **Additional services.** A hospice provider must provide physical therapy, occupational therapy, speech therapy, nutritional counseling, home health aide services, and volunteers as directed by the interdisciplinary team through the assessment and plan of care process.

Subp. 5. **Respite care.** "Respite care" means short-term care in an inpatient facility, when necessary to relieve the hospice patient's family or other persons caring for the patient. Respite care may be provided on an occasional basis.

Subp. 6. **Contingency plan.**

A. A hospice provider must provide to the patient or the responsible person a contingency plan that contains:

(1) the action to be taken by the hospice provider, hospice patient, and responsible person if scheduled services cannot be provided;

(2) the method for a hospice patient or responsible person to contact a representative of the hospice provider whenever staff are providing services; and

(3) the method for the hospice provider to contact a responsible person of the patient, if any.

B. A hospice provider must ensure that the contingency plan required by item A is implemented as written.

Subp. 7. **Professional licenses.** Nothing in this chapter limits or expands the rights of health care professionals to provide services within the scope of their licenses or registrations.

Subp. 8. **Illegal acts.** Neither a hospice provider nor any owner or managerial official of the hospice provider shall permit, aid, or abet the commission of any illegal act in the provision of hospice care.

Subp. 9. **False statements.** Neither a hospice provider nor any owner or managerial official of the hospice provider shall make any false oral or written statement to the commissioner or any representative of the commissioner in a license application or in any other record or report required by this chapter or by Minnesota Statutes, sections 144A.75 to 144A.755.

Subp. 10. **Access to information and property.** A hospice provider shall permit the commissioner or an employee or agent authorized by the commissioner, upon presentation of credentials, to:

A. examine and copy any files, books, papers, records, memoranda, or data of the hospice provider; and

B. enter upon any property, public or private, for the purpose of taking any action authorized by this chapter or Minnesota Statutes, sections 144A.75 to 144A.755, including obtaining information required in a license application or in any other record or report required by this chapter or Minnesota Statutes, sections 144A.75 to 144A.755, taking steps to remedy violations, or conducting surveys.

Subp. 11. **Interference prohibited.** A hospice provider shall not interfere with or impede a representative of the commissioner:

A. in contacting the hospice provider's clients; or

B. in the enforcement of this chapter or Minnesota Statutes, sections 144A.75 to 144A.755.

Subp. 12. **Destruction of evidence.** A hospice provider shall not destroy or otherwise make unavailable any records or other evidence relating to the hospice provider's compliance with this chapter and Minnesota Statutes, sections 144A.75 to 144A.755.

Subp. 13. **Background studies.** A hospice provider shall:

A. complete background studies as provided in Minnesota Statutes, section 245A.04;

B. cooperate with the commissioners of health and human services in connection with background studies, as provided in Minnesota Statutes, section 144.057; and

C. comply with Minnesota Statutes, section 144A.754, subdivision 5.

Subp. 14. **Fines.** For each violation of the following subparts, the stated fine shall be assessed:

- A. subpart 2, \$100;
- B. subpart 3, \$500;
- C. subpart 4, \$100;
- D. subpart 6, item A, \$100;
- E. subpart 6, item B, \$300;
- F. subpart 8, \$500;
- G. subpart 9, \$500;
- H. subpart 10, \$500;
- I. subpart 11, \$500;
- J. subpart 12, \$500; and
- K. subpart 13, \$500.

Statutory Authority: *MS s 144A.752*

History: *28 SR 1639*

Published Electronically: *October 11, 2007*