



South Carolina Proposes Extensive Hospice Rule Changes

H. Carol Saul and Maxwell P. Clayton

The South Carolina Department of Health & Environmental Control (DHEC) has proposed changes to the state's hospice regulations, which were last amended in 2002. According to DHEC, the proposed regulations reflect DHEC's effort to "incorporate updates and clarification relating to hospice licensure requirements, accident and/or incident reports, patient and medical record maintenance, emergency procedures and disaster preparedness, patient care, treatment, and services, design and construction, and fire and life safety." DHEC also attempts to enhance clarity, readability, grammar, references, codification, and overall improvement to the text of the regulations. The proposed regulations are much more expansive, detailed, and precise than the current regulations.

Highlights of the proposed changes include:

- Modifying the "License Requirements" section of the rules. The current rules have "License Requirements" in only Section 103. The proposed rules give "License Requirements" Sections 201-213.
- Deleting the definition of "Facility," which was "Any entity licensed by the Department," and expanding the definition of "Hospice Facility" to clarify that "Hospice Facility" refers only to inpatient hospices, which must be separately licensed and are subject to certificate of need requirements. This new definition has implications throughout the proposed regulations.
- Adding a definition for "Outpatient Services," which describes hospice services not provided by inpatient hospices.
- Removing the availability of "Consultations" provided by DHEC that are meant to provide information to the licensee in order to facilitate compliance with the regulations. However, the definitions section still defines "Consultation," so it is unclear whether DHEC intends to no longer provide consultations.
- The maximum monetary penalty for violations would be lowered to \$5,000 from \$10,000.
- A person would now have to undergo a criminal background check pursuant to South Carolina Code Section 44-7-2910 before being employed or contracted by a hospice as a staff member or direct care volunteer by a hospice.
- Minimum staffing requirements would be modified for both outpatient hospices and hospice facilities.
- A change to the requirements for incident reporting, notably a new requirement that certain incidents must be reported by the hospice to DHEC within 24 hours.
- To dispose of medical records after 6 years, hospices must retain a register, either electronic or paper based, and if records are stored in a format other than paper before 6 years have expired, hospices must include the entire record.
- Clarification that beds used by staff members or volunteers do not count toward the licensed bed capacity.
- An exception to bed capacity limits in disaster or emergency circumstances.
- Patients being transferred or discharged for medical reasons or for the welfare of the patient or staff must be given written notice not less than 10 days prior to transfer or discharge. Previously there was a 30-day requirement.
- Tuberculosis screening requirements are modified.
- The proposed rules update the drug disposal regulations to track the new Federal DEA regulations.

After public notices and hearings, the proposed rules are now currently in the South Carolina legislature waiting for approval, which automatically occurs on March 27, 2016 if no legislative action is taken by that date. Once approved, hospices licensed in South Carolina will be required to adjust their operations in accordance with the new rules.

Authors and Contributors

H. Carol Saul

Partner, Office
404.873.8694
carol.saul@agg.com

Maxwell P. Clayton

Associate, Atlanta Office
404.873.8542
max.clayton@agg.com

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Atlanta Office

171 17th Street, NW
Suite 2100
Atlanta, GA 30363

Washington, DC Office

1775 Pennsylvania Avenue, NW
Suite 1000
Washington, DC 20006

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