



ORS 443.850-443.870

Oregon's Hospice Laws

443.850 Definitions for ORS 443.850 to 443.870. As used in ORS 443.850 to 443.870:

(1) "Hospice program" means a coordinated program of home and inpatient care, available 24 hours a day, that utilizes an interdisciplinary team of personnel trained to provide palliative and supportive services to a patient-family unit experiencing a life threatening disease with a limited prognosis. A hospice program is an institution for purposes of ORS 146.100.

(2) "Hospice services" means items and services provided to a patient-family unit by a hospice program or by other individuals or community agencies under a consulting or contractual arrangement with a hospice program. Hospice services include acute, respite, home care and bereavement services provided to meet the physical, psychosocial, spiritual and other special needs of a patient-family unit during the final stages of illness, dying and the bereavement period.

(3) "Interdisciplinary team" means a group of individuals working together in a coordinated manner to provide hospice care. An interdisciplinary team includes, but is not limited to, the patient-family unit, the patient's attending physician or clinician and one or more of the following hospice program personnel: Physician, nurse practitioner, nurse, nurse's aide, occupational therapist, physical therapist, trained lay volunteer, clergy or spiritual counselor, and credentialed mental health professional such as psychiatrist, psychologist, psychiatric nurse or social worker.

(4) "Patient-family unit" includes an individual who has a life threatening disease with a limited prognosis and all others sharing housing, common ancestry or a common personal commitment with the individual.

(5) "Person" includes individuals, organizations and groups of organizations. [1987 c.398 §1; 1989 c.697 §3; 2007 c.474 §1]

443.860 Certification or accreditation required; exception. (1) Except as provided in subsections (3) and (4) of this section, no person shall establish, conduct or maintain a hospice program providing hospice services, or hold itself out to the public as a hospice program, without:

(a) Certification by the federal Centers for Medicare and Medicaid Services as a program of hospice services meeting standards for Medicare reimbursement; and

(b)(A) Accreditation by the Oregon Hospice Association; or

(B) Accreditation by the Joint Commission on Accreditation of Healthcare Organizations as a program of hospice services.

(2) The Oregon Hospice Association may accredit hospices which are not members of the Oregon Hospice Association.

(3) Any person who is in the process of developing a hospice program may use the term "hospice" to describe and refer to the program of services during its development for up to two years. However, no hospice services to patients or their families shall be provided by a hospice until accreditation or certification is obtained.

(4) Any person may operate a hospice program for a period of not more than 90 consecutive days if the federal Centers for Medicare and Medicaid Services or the Oregon Hospice Association acknowledges in writing that accreditation or certification is pending and the Oregon Hospice Association authorizes that operations may commence.

(5) A certified or accredited hospice need not obtain a license pursuant to ORS 443.015 unless it meets the definition of a home health agency and receives direct compensation for home health care services from the patient, insurers, Medicare or Medicaid. Compensation paid to licensed professionals is not direct compensation.

(6) Except as provided in subsection (5) of this section, accreditation and certification under subsection (1) of this section may be considered equivalent to licensure as a hospice program by the State of Oregon. [1987 c.398 §§2,3; 1989 c.697 §1; 1993 c.110 §3; 1997 c.362 §1; 2003 c.14 §264; 2007 c.474 §2]

443.865 Enforcement; rules; civil penalties. (1) Upon the recommendation of the Oregon Hospice Association, the Department of Human Services shall enforce compliance with the provisions of ORS 443.860 (1), (3), (4) and (5).

(2) The Department of Human Services shall adopt rules pursuant to ORS chapter 183 to implement subsection (1) of this section. Depending upon the seriousness of the noncompliance, the enforcement mechanisms to be used shall include, but not be limited to, the imposition of civil penalties and the issuance of an order to cease operations. [1993 c.110 §2]

443.870 Hospice program registry. (1) The Oregon Hospice Association shall maintain and operate a registry of all certified and accredited hospice programs and all developing hospice programs and shall make such records available to the public.

(2) Hospice programs on the registry shall provide utilization data requested by the Oregon Hospice Association.

(3) The Oregon Hospice Association shall compile data received under subsection (2) of this section and annually report the data to the Department of Human Services. [1987 c.398 §4; 1993 c.110 §4; 2007 c.474 §3]

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