

## **IC 12-15-40**

### Chapter 40. Payment for Hospice Services

#### **IC 12-15-40-1**

##### **Applicability of chapter**

Sec. 1. This chapter applies to a hospice program that has been approved by the office to provide hospice services to hospice program patients.

*As added by P.L.24-1997, SEC.54.*

#### **IC 12-15-40-2**

##### **"Hospice" defined**

Sec. 2. (a) As used in this chapter, "hospice" means a person or health care provider who owns or operates a hospice program or facility, or both, that uses an interdisciplinary team directed by a licensed physician to provide a program of planned and continuous care for hospice program patients and their families.

(b) The term includes a program that:

(1) provides a continuum of medical or nursing care and other hospice services to hospice program patients that complies with:

(A) the:

(i) conditions of participation for inpatient units under 42 U.S.C. 1395 et seq.; and

(ii) accreditation standards as provided in the Medicare program under 42 U.S.C. 1395x(dd)(2); and

(B) standards adopted under this article; and

(2) provides hospice services to hospice program patients and complies with standards adopted under this article.

*As added by P.L.24-1997, SEC.54.*

#### **IC 12-15-40-3**

##### **"Hospice program" defined**

Sec. 3. (a) As used in this chapter, "hospice program" means a specialized form of interdisciplinary health care that is designed to alleviate the physical, emotional, social, and spiritual discomforts of an individual who is experiencing the last phase of a terminal illness or disease.

(b) The term does not include services provided by a hospital, a health facility, an ambulatory outpatient surgical center, or a home health agency unless the entity has a distinct hospice program.

*As added by P.L.24-1997, SEC.54.*

#### **IC 12-15-40-4**

##### **"Hospice program patient" defined**

Sec. 4. As used in this chapter, "hospice program patient" means a terminally ill patient who:

(1) has been diagnosed by a licensed physician as having a terminal illness;

(2) is expected to die from the terminal illness within six (6)

months; and

(3) receives hospice services from a hospice program.

*As added by P.L.24-1997, SEC.54.*

#### **IC 12-15-40-5**

##### **"Hospice services" defined**

Sec. 5. As used in this chapter, "hospice services" means:

(1) palliative care for the physical, psychological, social, spiritual, and other special needs of a hospice program patient during the final stages of a hospice program patient's terminal illness; and

(2) care for the psychological, social, spiritual, and other needs of the hospice program patient's family before and after the hospice program patient's death.

*As added by P.L.24-1997, SEC.54.*

#### **IC 12-15-40-6**

##### **Payment rate**

Sec. 6. The office shall, under 42 U.S.C. 1396 et seq., establish a payment rate to a hospice program for hospice services provided to hospice program patients who are eligible for medical assistance under this article.

*As added by P.L.24-1997, SEC.54.*

#### **IC 12-15-40-7**

##### **Conditions of payment**

Sec. 7. Payment to a hospice program must meet the following conditions:

(1) Be determined in accordance with a prospective payment rate that is reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated hospice programs to provide services in conformity with applicable state and federal laws, rules, and regulations, including the federal Social Security Act, and quality and safety standards.

(2) Include the increased costs for medical care, including physician and nursing care, intensive case management, social services, and pharmaceutical and allied health costs.

*As added by P.L.24-1997, SEC.54.*

#### **IC 12-15-40-8**

##### **Adoption of rules**

Sec. 8. The office shall adopt rules under IC 4-22-2 to implement this chapter.

*As added by P.L.24-1997, SEC.54.*