

# § 558.863 Hospice Short-Term Inpatient Care

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(a) A hospice must make inpatient care available when needed for pain control, symptom management, and respite purposes.

(b) A hospice must ensure that inpatient care for pain control and symptom management is provided in either:

(1) a hospice inpatient unit that meets the additional standards in Division 7 of this subchapter (relating to Hospice Inpatient Units) and the Medicare Conditions of Participation for providing inpatient care directly as specified in 42 CFR § 418.110; or

(2) a Medicare-certified hospital or skilled nursing facility that also meets:

(A) the licensing standards specified in § 558.870(b)(1) and (2) of this subchapter (relating to Staffing in a Hospice Inpatient Unit) regarding 24-hour nursing services, and in § 558.871(d)(1)-(4) of this subchapter (relating to Physical Environment in a Hospice Inpatient Unit); and

(B) the federal Medicare standards specified in 42 CFR § 418.110(b) and (e) regarding 24-hour nursing services and patient areas.

(c) A hospice must ensure that inpatient care for respite purposes is provided either by:

(1) a facility specified in subsection (b)(1) or (2) of this section; or

(2) a Medicare-certified or Medicaid-certified nursing facility that also meets the licensing standards specified in § 558.871(d)(1)-(4) of this subchapter regarding client areas and the federal Medicare standards specified in 42 CFR § 418.110(e) regarding patient areas.

(d) A facility providing respite care must provide 24-hour nursing services that meet the nursing needs of all clients and are furnished in accordance with each client's plan of care. Each client must receive all nursing services as prescribed and must be kept comfortable, clean, well-groomed, and protected from accident, injury, and infection.

(e) In addition to the requirements in § 558.289(b) of this chapter (relating to Independent Contractors and Arranged Services), if a hospice has an agreement with a facility to provide for inpatient care, there must be a written contract coordinated by the hospice that specifies that:

(1) the hospice supplies the facility with a copy of the client's plan of care and specifies the inpatient services to be furnished;

(2) the facility has established client care policies consistent with those of the hospice and agrees to abide by the plan of care established by the hospice for each client and to follow the hospice agency's protocols for supporting optimal quality of life for its clients;

(3) the facility's clinical record for a hospice client includes documentation of all inpatient services furnished and events regarding care that occurred at the facility;

(4) a copy of the discharge summary be provided to the hospice at the time of discharge;

(5) a copy of the inpatient clinical record is available to the hospice at the time of discharge;

(6) the facility has identified a person within the facility who is responsible for the implementation of the provisions of the agreement;

(7) the hospice retains responsibility for ensuring that the training of personnel who will be providing the client's care in the facility has been provided and that a description of the training and the names of those giving the training are documented; and  
(8) a method for verifying that the requirements in paragraphs (1) - (7) of this subsection are met.

Notes

26 Tex. Admin. Code § 558.863

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