

3701-19-03

Initial license application process; renewal of license; and change of ownership license.

(A) Application for a hospice care program license shall: ~~be made on forms prescribed by the director, shall include such information as the director requires, including the information prescribed by paragraph (C) of this rule, and shall be accompanied by a non-refundable license fee of six hundred dollars in the form of a cashier's check or a postal money order payable to the "Treasurer, State of Ohio."~~

(1) Be made on forms prescribed by the director;

(2) Include such information as the director requires, including the information prescribed in paragraph (C) of this rule; and

(3) Be accompanied by a non-refundable license fee of six hundred dollars in the form of a cashier's check or a postal money order payable to the "Treasurer, State of Ohio."

(B) Any person or public agency seeking to be licensed to provide a hospice care program shall submit an application for licensure at least sixty days prior to the requested date for the inspection required by paragraph (A) of rule 3701-19-05 of the Administrative Code.

(C) An application for a license to provide a hospice care program shall include:

(1) The name, address, and business telephone number of the hospice care program. A hospice care program that operates from multiple locations shall include the addresses and telephone numbers for all locations on the application for license. The application shall indicate which location is to be issued the license;

(2) The names and addresses of the persons having an ownership or ~~control~~ a controlling interest in the hospice care program and other information pertaining to ownership or control of the program;

(3) The corporate name of the hospice care program, if any, and the names, titles, addresses, and telephone numbers of its officers and statutory agent;

(4) A list of the services which are or will be provided by the hospice care program either directly or indirectly through written contracts, the identities of any contractors and the services they will provide, and the date the program will be operational;

(5) A description of the geographic area in which the hospice care program will provide services;

- (6) If the applicant is requesting a waiver of the requirement for providing physical therapy, occupational therapy, or speech or language therapy services pursuant to paragraph (B) of rule 3701-19-19 of the Administrative Code, the documentation required by that paragraph;
- (7) If the program provides hospice care and services in a hospice patient's home, a written attestation that the applicant is in compliance with section 3712.062 of the Revised Code; and
- (8) If a hospice care program operates an inpatient hospice facility; ~~documentation of compliance with the building code standards required by paragraph (C) of rule 3701-19-08 of the Administrative Code.~~
- (a) Documentation of compliance with the building code standards required by paragraph (C) of rule 3701-19-08 of the Administrative Code;
- (b) If the hospice intends to admit non-hospice palliative care patients to the hospice inpatient unit in accordance with section 3712.10 of the Revised Code, a written attestation that the hospice care program will:
- (i) Continue to be primarily engaged as a hospice care program and at least fifty-one per cent of all services provided by the hospice care program will be to hospice patients; and
- (ii) Ensure the availability of hospice inpatient care to hospice care program patients through admission to the hospice care program's inpatient facility or through contract with an inpatient facility that meets the requirements of rule 3701-19-22 of the Administrative Code.
- (D) The applicant or an authorized representative shall sign an affidavit included in the application certifying that, to the best of ~~his or her~~the applicant's knowledge, the information in the application and any accompanying material is true and accurate. If a representative signs the affidavit, ~~he or she~~the application shall include documentation that ~~he or she~~they is/are the applicant's authorized representative.
- (E) When reviewing a license application, the director may request, in writing, that an applicant furnish any additional information that the director determines to be necessary to assess compliance with Chapter 3712. of the Revised Code and this chapter. The applicant shall furnish any requested information within fourteen days after the mailing of the director's request.
- (F) Licensure of a hospice care program providing services from multiple locations in Ohio.

- (1) Except as prohibited by section 3712.08 of the Revised Code, the director may grant a license to a hospice care program which provides services from multiple locations in Ohio, if the applicant complies with all the following:
 - (a) Each location provides the same full range of services that is required of the hospice care program location issued the license;
 - (b) Each location is responsible to the same governing body and central administration that governs the hospice care program location issued the license, and the governing body and central administration is able to adequately manage each location;
 - (c) The hospice care program maintains clinical records for all patients served by the hospice care program regardless of where services are provided; and
 - (d) All hospice patients' clinical records requested by the director during an inspection are available at the hospice care program location issued the license.
 - (2) A hospice location that does not comply with the requirements of paragraph (F) (1) of this rule is operating as a separate hospice care program and shall obtain a separate license and pay the appropriate license fee.
- (G) A hospice care program operating in another state seeking to provide services to patients in Ohio shall establish an administrative office in Ohio and comply with the rules of Chapter 3701-19 of the Administrative Code in order to obtain a license. All Ohio hospice patients' clinical records shall be maintained at the Ohio administrative office.
- (H) Application for renewal of a hospice care program license shall be made at least ninety days prior to the expiration of the license. The application shall be made and a renewal fee paid in accordance with paragraph (A) of this rule in the same manner as for an initial license.
- (1) In addition to the application and fee requirements of this paragraph, a hospice care program that operates an inpatient hospice facility shall:
 - (a) Submit documentation of continued compliance with the Ohio fire code required by paragraph (B) of rule 3701-19-08 of the Administrative Code;
 - (b) A certificate of use and occupancy required by paragraph (C) of rule 3701-19-08 of the Administrative Code only if it is different than the one previously submitted to the director; and

- (c) If the program provides hospice care and services in a hospice patient's home, the application for renewal shall include a written attestation that the applicant is in compliance with section 3712.062 of the Revised Code.
 - (2) The director shall renew the license if the program continues to meet the requirements of Chapter 3712. of the Revised Code and Chapters 3701-19 and 3701-13 of the Administrative Code. If the program does not meet the requirements, the director may deny renewal of the license, in accordance with Chapter 119. of the Revised Code.
- (I) In addition to submitting the application and renewal fee required by paragraph (A) of this rule, an applicant applying for a license renewal pursuant to paragraph (J) of this rule shall also submit:
- (1) Evidence of the program's current medicare certification pursuant to Title XVIII of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C. 301, as amended (1981), with its expiration date noted; and
 - (2) If the program is certified or accredited by an entity other than the secretary of the United States department of health and human services (under Title XVIII of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C. 301, as amended (1981), a copy of the most recent accreditation decision report.
- (J) The director shall renew licenses to persons or public agencies to provide hospice care programs that are accredited or certified to provide such programs by an entity whose standards for accreditation or certification equal or exceed those provided for licensure set forth in Chapter 3712. of the Revised Code and this chapter.
- (1) For purposes of this paragraph, the standards for medicare certification set forth in Title XVIII of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C. 301, as amended (1981), shall be considered to equal or exceed the requirements for licensure set forth in Chapter 3712. of the Revised Code and this chapter. If an applicant seeks license renewal pursuant to this paragraph on the basis of accreditation or certification by another entity, the director shall review the entity's certification or accreditation standards and shall determine whether they equal or exceed the standards set forth in Chapter 3712. of the Revised Code and this chapter.
 - (2) If the certification or accreditation of a person or public agency providing a hospice care program that was granted a license renewal pursuant to paragraph (J) of this rule is terminated or expires and is not renewed:

- (a) The hospice care program shall send written notification of the termination or expiration to the director prior to the effective date of the termination, expiration, or non-renewal of the certification or accreditation or within five business days after receipt of such notice of termination, expiration, or non-renewal, which ever is sooner; and
 - (b) The director shall inspect the program to determine whether it otherwise meets the requirements of Chapter 3712. of the Revised Code and this chapter. After conducting the inspection, the director may take whatever action concerning the program's license that the director considers appropriate.
- (K) Each licensed hospice care program shall notify the director, in writing, of any of the following:
- (1) Any change in any of the information specified in the license application under paragraphs (C)(1) to (C)(5) and (C)(8) of this rule no later than fifteen days after the change;
 - (a) A change of ownership shall require the submission of a change of ownership application on forms prescribed and provided by the director; and
 - (b) A non-refundable fee of two hundred dollars in the form of a check or money order payable to the "Treasurer, State of Ohio."
 - (2) Any other change that would render the information submitted in the license application inaccurate at least twenty-one days prior to the effective date of the change.

Effective: 1/23/2020
Five Year Review (FYR) Dates: 11/6/2019 and 01/13/2025

CERTIFIED ELECTRONICALLY

Certification

01/13/2020

Date

Promulgated Under: 119.03
Statutory Authority: 3712.03
Rule Amplifies: 3712.03 , 3712.04, 3712.062
Prior Effective Dates: 12/31/1990, 10/17/1999, 01/01/2005, 08/23/2009,
06/20/2010, 02/15/2015