



MEMORANDUM

TO: Shelly Peterson, NDLTCA President
FROM: Lucille Rostad *Lucille Rostad*
DATE: December 11, 2015
TOPIC: Hospice Services in a Basic Care Facility NOT Licensed to provide End of Life Care Services

This memorandum is in response to your request for clarification related to how long a resident electing Hospice Services can stay in a Basic Care facility that is not licensed to provide End of Life Care Services.

A resident in a Basic Care facility can elect Hospice Services and stay in a Basic Care facility that is not licensed for End of Life Care Services as long as the resident meets the basic care level of care.

What does this mean?

NDCC 23-09.3-08.1 Admission of residents to basic care facility – Restrictions. A basic care facility may admit and retain only an individual for whom the facility provides, directly or through contract, appropriate services within the facility to attain or maintain the individual at the individual’s highest practicable level of functioning. A basic care facility may admit and retain only an individual whose condition and abilities are consistent with the national fire protection association 101 life safety code requirements.

This statute is further clarified in North Dakota Administrative Code 33-03-24.1-01. Definitions. 2., 5., 6., and 16. Based on this information, the admission and retention criteria for a resident in a Basic Care facility includes that the individual may need assistance with activities of daily living which means that the resident is able to help with most of an activity, but cannot do it entirely alone. This includes eating, nutrition, dressing, personal hygiene, mobility, toileting, and behavior management.

The decision of some Basic Care facilities to provide twenty-four-hour a day nurse staffing should not be interpreted to mean that the resident’s condition requires twenty-four hour a day nursing care. If the resident declines to the level where continuous, twenty-four-hour a day nursing or medical care is needed, the individual can no longer assist with their own activities of daily living, or the resident is no longer capable of self preservation, with or without assistance, the resident is no longer appropriate to remain in a Basic Care facility.

In summary, a basic care resident can elect to receive Hospice Services and stay in a Basic Care facility that is not licensed to provide End of Life Care Services, until the resident no longer meets the definition of a basic care resident as discussed above, and the care required exceeds the basic care level. If a Basic Care facility becomes licensed to provide End of Life Care Services, the resident who elects Hospice Services would be able to remain in the facility even when the resident exceeds the basic care level of care and requires skilled nursing care.

If you have questions, please contact Lucille Rostad at 701-328-2352.