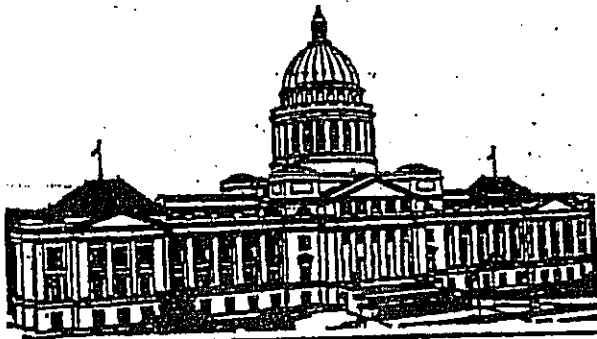


# ARKANSAS REGISTER

## Transmittal Sheet



Sharon Priest  
Secretary of State  
State Capitol Rm. 01  
Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date \_\_\_\_\_ Code Number 049.00.01--003

Name of Agency Health Services Agency

Department \_\_\_\_\_

Contact Person Mary Brizzi

Phone 661-2501

Statutory Authority for Promulgating Rules Arkansas Code Annotated 20-8-101, et. seq.

Date

Intended Effective Date

Legal Notice Published . . . . . 3-4-01

☐ Emergency

Final Date for Public Comment . . . . . 5-1-01

☒ 10 Days After Filing

Filed With Legislative Council. . . . . 2-22-01

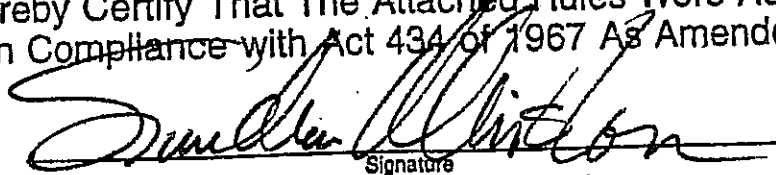
☐ Other

Reviewed by Legislative Council . . . . . 6-5-01

Adopted by State Agency . . . . . 5-16-01

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with Act 434 of 1967 As Amended.

  
Signature

661-2509

Phone Number

  
Title

6-5-01

Date

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS  
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

AGENCY: HEALTH SERVICES AGENCY  
DIRECTOR: SANDRA WINSTON  
CONTACT PERSON: MARY BRIZZI  
ADDRESS: 5800 WEST 10TH ST., SUITE 805, LITTLE ROCK, AR  
PHONE NO.: 661-2501 FAX NO. 661-2399

INSTRUCTIONS

- A. Please make copies of this form for future use.  
B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.  
C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.  
D. Submit two (2) copies of this questionnaire attached to the front of two (2) copies of your proposed rule and mail or deliver to:

Donna K. Davis  
Subcommittee on Administrative Rules and Regulations  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201

\*\*\*\*\*

1. What is the short title of this rule

Hospice Methodology

2. What is the subject of the proposed rule?

New Hospice Permit of Approval Methodology

3. Is this rule required to comply with federal statute or regulations?  
Yes \_\_\_\_ No x

If yes, please provide the federal regulation and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes \_\_\_\_ No x

If yes, what is the effective date of the emergency rule? x

When does the emergency rule expire?

Will this emergency rule be promulgated under the regular provisions

FILED  
JUL 30 11 51 AM '98  
ARK. REGISTER. DIV.  
LITTLE ROCK, ARK.

of the Administrative Procedure Act? Yes \_\_\_\_ No \_\_\_\_

5. Is this a new rule? Yes x No \_\_\_\_

Does this repeal an existing rule? Yes \_\_\_\_ No x  
If yes, please provide a copy of the repealed rule.

Is this an amendment to an existing rule? If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes.

6. What state law grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

Arkansas Code Annotated 20 -8-103; 20-7-117

7. What is the purpose of this proposed rule? Why is it necessary?

To establish a Hospice Methodology for new facilities and the expansion of existing service areas.

8. Will a public hearing be held on this proposed rule? Yes x No \_\_\_\_ If yes, please give the date, time, and place of the public hearing?

May 16, 2001, at 10:00 am at the State Police Headquarters, Geyer Springs and I 30. Little Rock.

9. When does the public comment period expire?

May 1, 2001

10. What is the proposed effective date of this proposed rule?

July 1, 2001

11. Do you expect this rule to be controversial? Yes \_\_\_\_ No x  
If yes, please explain.

12. Please give the names of persons, groups, or organizations which you expect to comment on these rules? Please provide their position (for or against) if known.

Arkansas Health Care Association

For

Arkansas Residential Assisted Living Association      For

Arkansas Hospice Association      For

Arkansas Home Care Association      For

PLEASE ANSWER ALL QUESTIONS COMPLETELY

ARKANSAS HEALTH SERVICES COMMISSION

FINANCIAL IMPACT STATEMENT  
(In compliance with Act 884 of 1995)

PERSON COMPLETING THIS STATEMENT: Mary Brizzi

Telephone Number: 501/661-2501

Fax Number: 501/661-2399

SHORT TITLE OF THIS RULE: New Hospice Methodology

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes   x   No
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost of implementing the regulation.

Does not Apply

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule regulation.

Current Fiscal Year

Next Fiscal Year

\$500.00 per application

\$500.00 per application

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

Current Fiscal Year

Next Fiscal Year

\$300.00

None

## HSC REGULATION 400M. Hospice Methodology

This rule regulates the establishment of new hospices and the expansion of existing hospice service areas.

### I. NEED

A. Numeric need for a new hospice or an expanded service area\* is demonstrated if the projected number of patients eligible for hospice per calendar year is 100 or greater in the proposed service area (or expanded area). The projections for the proposed area would have to indicate a need for 100 or more after the admissions for the existing hospices for the previous calendar year have been subtracted out from the total projected hospice patients. (See Appendix A).

B. To calculate the number of projected hospice patients, the Crude Death Rate for each county from the Center for Health Statistics is divided by 100,000. The result is multiplied by the projected population by county for the year 2005. The results for both cancer and non-cancer deaths from 1995 to 1998 are averaged. The projected non-cancer deaths by county is multiplied by 10% and the cancer deaths by county is multiplied by 55%. The resulting total is the number of projected hospice patients for the year 2005.

C. The number of patients admitted by hospices by county from the previous calendar year will be subtracted from the number of projected hospice patients. The result will be the number of patients eligible for hospice for the year 2005. The Health Facility Services Agency will collect the number of patients admitted by each Hospice by county as part of their licensing application sent out annually.

*All dates contained herein will move forward one year each July 1st. The number of projected hospice patient deaths will be computed from data received from the Center for Health Statistics, Arkansas Dept. of Health.*

\* The service area is the county

### II. EXCEPTIONS

- A. In the absence of numeric need, an applicant must demonstrate that circumstances exist to justify the approval of a new hospice. The applicant must document either:
1. That at least 25% of the projected hospice patients in the county are not being served;
  2. There are at least 25% of patients referred to hospices who are not being admitted within 48 hours (excluding cases where a later admission date has been requested). The applicant shall document the number of such persons.

### III. PRIORITIES

The Commission shall give preference to an applicant whom:

- A. Demonstrates financial support to provide cost efficient hospice care.
- B. Offers documentation to prove that existing agencies are not meeting the needs of the

service area population.

- C. Has letters of support from Healthcare providers and state and local officials in the proposed service area.

- IV. Regardless of numeric need, no new hospice will be approved unless each hospice servicing the proposed service area has been licensed and operational for at least two years.

**ARKANSAS STATE HOSPICE ASSOCIATION  
PROJECTED HOSPICE PATIENTS BY COUNTY AND ARKANSAS TOTAL  
2005**

<b>COUNTY</b>	<b>PROJECTED POPULATION 2005</b>	<b>PROJECTED DEATHS CANCER</b>	<b>PROJECTED DEATHS NON-CA</b>	<b>PROJECTED HOSPICE PATIENTS based on 55% CA deaths &amp; 10% Non-Ca deaths</b>
<b>ARK TOTAL</b>	<b>2827785</b>	<b>7087</b>	<b>24288</b>	<b>6327</b>
Arkansas	22581	70	232	62
Ashley	25840	60	241	57
Baxter	52380	214	673	185
Benton	140673	673	971	467
Boone	36458	78	313	74
Bradley	12699	29	159	32
Calhoun	6685	20	75	19
Carroll	23814	61	169	50
Chicot	15977	41	151	38
Clark	24152	48	229	49
Clay	19271	68	227	60
Cleburne	29532	88	255	74
Cleveland	9474	12	91	16
Columbia	27249	69	267	65
Conway	21435	63	199	55
Craighead	83550	150	650	148
Crawford	58293	128	433	114
Crittenden	54399	102	425	99
Cross	20090	64	178	53
Dallas	10070	27	113	26
Desha	18096	37	178	38
Drew	21087	55	176	48
Faulkner	91405	147	506	131
Franklin	18528	57	164	48
Fulton	12273	30	108	27
Garland	96785	248	1106	247
Grant	18130	41	170	40
Greene	38127	67	387	76
Hempstead	26476	55	253	56
Hot Springs	30503	74	249	66
Howard	15607	41	171	40
Independence	40067	87	325	80
Izard	15251	61	210	55
Jackson	19506	66	218	58
Jefferson	93164	231	850	212
Johnson	22679	58	201	52
Lawrence	19253	62	217	56
Lee	11814	33	89	27
Lincoln	14867	28	112	27
Little River	16971	40	147	37
Logan	23882	67	220	59
Lonoke	51982	99	390	93
Madison	13565	21	101	22
Marion	18095	58	136	46



**ARKANSAS STATE HOSPICE ASSOCIATION**  
**PROJECTED HOSPICE PATIENTS BY COUNTY AND ARKANSAS TOTAL**  
**2005**

<b>COUNTY</b>	<b>PROJECTED POPULATION 2005</b>	<b>PROJECTED DEATHS CANCER</b>	<b>PROJECTED DEATHS NON-CA</b>	<b>PROJECTED HOSPICE PATIENTS based on 55% CA deaths &amp; 10% Non-Ca deaths</b>
Miller	43483	108	361	96
Mississippi	57945	121	552	122
Monroe	10642	30	102	27
Montgomery	9917	31	96	27
Nevada	11131	32	126	30
Newton	9638	27	72	22
Ouachita	36974	104	448	102
Perry	9870	23	87	21
Phillips	27227	83	269	73
Pike	11612	34	106	29
Poinsett	24911	67	239	61
Polk	20879	71	216	61
Pope	61153	143	441	123
Prairie	9434	28	93	25
Pulaski	414695	904	3097	807
Randolph	21166	46	200	45
St. Francis	31842	79	256	69
Saline	89402	156	610	147
Scott	11648	38	98	31
Searcy	8577	28	98	25
Sebastin	117413	236	962	226
Sevier	16200	38	148	36
Sharp	22490	70	269	65
Stone	12230	30	106	27
Union	50077	127	497	120
Van Buren	19964	72	207	60
Washington	144453	228	899	215
White	60811	176	519	149
Woodruff	9631	28	119	27
Yell	20664	70	163	55

Population Source: Projections of the Population of Arkansas, By County, Age, Gender, and Race: 1990-2010,  
Institute for Economic Advancement at the Univ. of Arkansas at Little Rock, 1993

Crude Death Rates Source: Center for Health Statistics, Arkansas Department of Health.