

**Code of Virginia  
Hospice Program Licensing**

**§ 32.1-162.1. Definitions.** - As used in this article unless a different meaning or construction is clearly required by the context or otherwise:

"Hospice" means a coordinated program of home and inpatient care provided directly or through an agreement under the direction of an identifiable hospice administration providing palliative and supportive medical and other health services to terminally ill patients and their families. A hospice utilizes a medically directed interdisciplinary team. A hospice program of care provides care to meet the physical, psychological, social, spiritual and other special needs which are experienced during the final stages of illness, and during dying and bereavement. Hospice care shall be available twenty-four hours a day, seven days a week.

"Hospice patient" means a diagnosed terminally ill patient, with an anticipated life expectancy of six months or less, who, alone or in conjunction with designated family members, has voluntarily requested admission and been accepted into a licensed hospice program.

"Hospice patient's family" shall mean the hospice patient's immediate kin, including a spouse, brother, sister, child or parent. Other relations and individuals with significant personal ties to the hospice patient may be designated as members of the hospice patient's family by mutual agreement among the hospice patient, the relation or individual, and the hospice team.

"Identifiable hospice administration" means an administrative group, individual or legal entity that has a distinct organizational structure, accountable to the governing authority directly or through a chief executive officer. This administration shall be responsible for the management of all aspects of the program.

"Interdisciplinary team" means the patient and the patient's family, the attending physician, and the following hospice personnel: physician, nurse, social worker, and trained volunteer. Providers of special services, such as clergy, mental health, pharmacy, and any other appropriate allied health services may also be included on the team as the needs of the patient dictate.

"Palliative care" means treatment directed at controlling pain, relieving other symptoms, and focusing on the special needs of the patient and family as they experience the stress of the dying process, rather than the treatment aimed at investigation and intervention for the purpose of cure or prolongation of life. (1981, c. 346.)

**§ 32.1-162.2. Exemption from article.** - The provisions of this article shall not be applicable to a hospice established or operated for the practice of religious tenets of any recognized church or denomination which provides care and treatment for the sick by spiritual means without the use of any drug or material remedy, whether gratuitously or

Virginia Department of Health

Center for Quality Health Care Services and Consumer Protection

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for compensation. Such a hospice shall comply with the statutes and regulations governing environmental protection and life safety. (1981, c. 346.)

**§ 32.1-162.3. License required for hospice programs; notice of denial of license; renewal thereof.** - A. No person shall establish or operate a hospice without a license issued pursuant to this article.

B. The Commissioner shall issue or renew a license to establish or operate a hospice upon application therefor on a form and accompanied by a fee prescribed by the Board if the Commissioner finds that the hospice is in compliance with the provisions of this article and regulations of the Board. The Commissioner shall notify by certified mail any applicant denied a license of the reasons for such denial.

C. Every such license shall expire at midnight December 31 of the year issued, or as otherwise specified by the Board, and shall be required to be renewed annually.

D. The activities and services of each applicant for issuance or renewal of a hospice license shall be subject to an inspection and examination by the Commissioner to determine if the hospice is in compliance with the provisions of this article and regulations of the Board.

E. No license issued pursuant to this article may be transferred or assigned.

F. In accordance with § 63.2-1806, an entity licensed as a hospice pursuant to this article may concurrently hold a license to operate an assisted living facility as defined in § 63.2-100 and may provide hospice care to the residents of such facility. (1981, c. 346; 2003, c. 526.)

**§ 32.1-162.4. Inspections.** - The Commissioner may cause each hospice licensed under this article to be periodically inspected at reasonable times. (1981, c. 346.)

**§ 32.1-162.5. Regulations.** - The Board shall prescribe such regulations governing the activities and services provided by hospices as may be necessary to protect the public health, safety and welfare. Such regulations shall include, but not be limited to, the requirements for: the qualifications and supervision of licensed and nonlicensed personnel; the provision and coordination of inpatient care and home treatment and services; the management, operation, staffing and equipping of the hospice program; clinical and business records kept by the hospice; procedures for the review of utilization and quality of care. To avoid duplication in regulations, the Board shall incorporate regulations applicable to facilities licensed as hospitals or nursing homes under § 32.1-123 et seq. and to organizations licensed as home health agencies under Article 7.1 (§ 32.1-162.7 et seq.) of Chapter 5 of this title which are also applicable to hospice programs in the regulations to govern hospices. A person who seeks a license to establish or operate a hospice and who has a preexisting valid license to operate a hospital, nursing home or home health agency shall be considered in compliance with those regulations

Virginia Department of Health

Center for Quality Health Care Services and Consumer Protection

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which are applicable to both a hospice and the facility for which it has a license. (1981, c. 346.)

**§ 32.1-162.6. Revocation or suspension of license.** - A. The Commissioner is authorized to revoke or suspend any license issued hereunder if the holder of the license fails to comply with the provisions of this article or with the regulations of the Board.

B. If a license is revoked as herein provided, the Commissioner may issue a new license upon application therefor if, when, and after the conditions upon which revocation was based have been corrected and all provisions of this article and applicable regulations have been complied with.

C. Suspension of a license shall in all cases be for an indefinite time and the suspension may be lifted and rights under the license fully or partially restored at such time as the Commissioner determines that the rights of the licensee appear to so require and the interests of the public will not be jeopardized by resumption of operation. (1981, c. 346.)