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SENATE MEMORIAL 61

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Elizabeth "Liz" Stefanics

A MEMORIAL

REQUESTING THE DEPARTMENT OF HEALTH TO STUDY OPTIONS FOR
REGULATION OF INDEPENDENT RESIDENTIAL HOSPICE HOUSES AND REPORT
ITS FINDINGS TO THE LEGISLATIVE HEALTH AND HUMAN SERVICES
COMMITTEE.

WHEREAS, the current New Mexico regulatory scheme presents
significant regulatory and bureaucratic impediments to the
establishment of independent residential hospice houses
specifically designed to create comfort and safety for people
at the end of life, and with the goal of achieving the best
quality of end of life care for patients and their families;
and

WHEREAS, it is virtually impossible to create an
effective, licensed residential hospice house in New Mexico, as
the current licensing is under the assisted living regulations,

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1 which do not address the specific needs and stresses associated
2 with terminal illness and dying; and

3 WHEREAS, the purpose of the assisted living regulations is
4 to have people live comfortably with the medical or physical
5 assistance they require, while hospice patients are terminally
6 ill individuals who are no longer pursuing curative medical
7 treatment and need different care and support from those who
8 are not terminally ill; and

9 WHEREAS, the 2007 national home and hospice care survey
10 cites that a majority of Americans express a strong preference
11 for dying at home but many are unable to, because they have no
12 home, do not have a family member able to care for them or live
13 alone without the resources necessary to meet the complex
14 psychological and medical needs of a person at the end of the
15 person's life; and

16 WHEREAS, according to the Stanford university school of
17 medicine, sixty percent of Americans die in acute care
18 hospitals and twenty percent in nursing homes; and

19 WHEREAS, hospice care in an independent residential
20 hospice house provides a more cost-effective and less intrusive
21 form of medical care and supports the social, psychological and
22 spiritual needs of terminally ill patients and their families;
23 and

24 WHEREAS, independent residential hospice houses provide a
25 homelike atmosphere, where hospice staff members fill the roles

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1 of family caregivers by providing residential care for twenty-
2 four hours a day, seven days a week; and

3 WHEREAS, according to the national home and hospice care
4 survey, a freestanding residential hospice house frequently
5 provides medicare inpatient care, in addition to residential
6 care, a benefit that provides short-term care to address acute
7 symptoms not manageable at home; and

8 WHEREAS, independent residential hospice houses also
9 provide hospice respite care under medicare, which offers the
10 opportunity for home caregivers to take time to rest and
11 recover; and

12 WHEREAS, safe and comfortable independent residential
13 hospice houses are needed in New Mexico to address the unique
14 needs of the dying and to provide an alternative to dying in an
15 institution for those who are unable to die at home; and

16 WHEREAS, independent residential hospice houses have been
17 found to offer higher quality, more efficient care than hospice
18 care provided in a hospital, and family members have been found
19 generally to be highly satisfied with the personalized care and
20 cleanliness of the facilities; and

21 WHEREAS, New Mexico has nearly double the number of
22 elderly residents per capita as the national average, and this
23 population will only increase as the baby boomers age; and

24 WHEREAS, independent residential hospice houses have been
25 found by other states to provide a support system to the

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1 terminally ill that permits patients to exercise maximum
2 independence and dignity during the final days of life; and

3 WHEREAS, several states, including New York, Wisconsin,
4 North Carolina, Florida and Minnesota, have successfully
5 created a statutory and regulatory framework that permits
6 independent residential hospice houses to be licensed and serve
7 this unique population and need; and

8 WHEREAS, the need is so great in New Mexico that there are
9 small hospice houses currently operating without the licensing
10 required by the assisted living regulations; and

11 WHEREAS, it would be safer to have a licensing scheme that
12 addresses this vulnerable population, provides rules and
13 regulations specific to the needs of the terminally ill and
14 creates clear guidelines for those who desire to establish
15 residential hospice houses that serve to protect and serve
16 dying patients;

17 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
18 OF NEW MEXICO that the department of health be requested to
19 study options for regulation of independent residential hospice
20 houses; and

21 BE IT FURTHER RESOLVED that the department of health
22 report its findings to the legislative health and human
23 services committee by October 1, 2019; and

24 BE IT FURTHER RESOLVED that copies of this memorial be
25 transmitted to the governor, the chair of the legislative

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1 health and human services committee, the secretary of health
2 and the secretary of human services.

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