

Governing Body and Administrator

Federal Regulations: 418.58(e), 418.100(b)	Effective Date: February 27, 2023
State Regulations: CA Article 5, Section 5.1, 5.3, Article 6, Section 6.1 TX 97.243	Revision Date(s): February 27, 2023

PURPOSE: To define legal authority and responsibility for the management of Hospice.

POLICY: The Governing body (or designated persons so functioning) assumes full legal authority and responsibility for the management of the hospice, the provision of all hospice services, its fiscal operations, management, and continuous quality assessment and performance improvement.

A qualified administrator appointed by and reporting to the Governing Body is responsible for the day-to-day operation of the hospice. The administrator must be a hospice employee and possess education and experience required by the state and Hospice policy.

PROCEDURE:

- 1) The Governing Body (also known as Board)
 - a) Receives an orientation to their responsibilities
 - b) Meets at least annually or more frequently as stated in the bylaws, to execute its responsibilities.
 - c) Develops and implements bylaws that include at least:
 - i) a statement of purpose
 - ii) a statement of qualifications for membership and methods to select members of the governing body
 - iii) a provision for the establishment, selection, and term of office for committee members and officers
 - iv) a description of functions and duties of the governing body officers and committees.
 - d) Develops a policy statement relating to conflict of interest of members of the governing body or employees who may influence agency decisions.
 - e) Is responsible for overseeing the policies and procedures that govern Hospice and protect patient rights.
 - f) Adopts a statement that there is no discrimination because of race, color, sex, religion, ancestry, or national origin.
 - g) Reviews and approves the hospice’s written scope of services.
 - h) Reviews the annual program evaluation in relation to its mission, vision, and goals and documents recommendations as necessary.
 - i) Approves the annual operating budget and when needed, a long-term capital expenditure plan.
 - j) Is responsible for overseeing the policies and procedures that govern Hospice.
 - k) Ensures that an ongoing program for quality improvement and patient safety is defined, implemented, and maintained, and is evaluated annually through the designation of one

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- or more individual(s) who are responsible for operating the quality assessment and performance improvement program in accordance with Hospice policy.
- l) Is responsible for ensuring that Hospice is managed by the Administrator and any managers that the administrator appoints.
 - m) Designates in writing the Administrator who meets the requirements set forth by the state and Hospice policy as written in the job description who is responsible for the day-to-day operations.
 - n) Performs an annual written evaluation of the Administrator.
 -) Appoints a medical director and delegates to the medical director the authority to establish and approve, in accordance with current accepted standards of care, all patient care policies related to medical care.
 - a) Responsible for determining, implementing, and monitoring the overall operation of the hospice, including the quality of care and services, management, and budget planning.
 - b) Reviews the annual evaluation report from the hospice administrator and documents recommendations as necessary.
 - c) Makes provisions for resources and equipment to provide a safe working environment for personnel.
- 2) If the Administrator is not available to fulfill his or her assigned duties and responsibilities, Hospice identifies, in writing, another individual to assume those assigned duties and responsibilities and this must be included in job description of this individual who is oriented to this responsibility.
- 3) Administrator designates in writing by name:
 - a) Another individual who meets state requirements to act as Administrator when Administrator is temporarily absent
 - i) This designee has sufficient power, authority, and freedom to act in the best interest of patient safety and well-being.
 - b) A physician or registered nurse to provide general supervision, coordination, and direction for professional services of the agency
 - c) A registered nurse to be the director of nursing services
 - d) A licensed physician to be the medical director
- 4) The administrator or alternate administrator is available to agency personnel in person or by telephone during the hospice's operating hours.
- 5) The appropriate regulatory authorities are notified when there is a change in the Administrator or supervising nurse in accordance with regulatory requirements and state required time frames.
- 6) The following documents are displayed in the hospice administrative office.
 - a) The current Department-issued license
 - b) The current telephone number of the Department
 - c) The location at which the following are available for review
 - i) A copy of the most recent Department inspection report
 - ii) A list of hospice services

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- iii) A written copy of rates and charges

CALIFORNIA ONLY

- 1) Any vacancy of the nursing supervisor position is filled within sixty (60) days of the vacancy and the Department notified of the replacement.

TEXAS ONLY

- 1) Administrator designates in writing
 - a) Who must provide DADS surveyors entry to the agency if the administrator and alternate administrator are not available.