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Addendum
Emergency Regulations for Hospice Agencies
DPH-18-002E

This document is added to the rulemaking record for DPH-18-002E. It supplements the Department's Emergency Regulations Finding of Emergency for Hospice Agency's and further describes changes to the regulations and the necessity for certain provisions of the proposed emergency text.

The time between the December 2025 filing and this current submission was dedicated to a rigorous regulatory review process. To ensure the final submission is effective and legally sound, we used this time to carefully evaluate public comments, facilitate ongoing stakeholder engagement, and draft critical amendments. Navigating the mandatory approvals and administrative reviews up the chain required extensive coordination, which prevented an earlier submission. Nevertheless, the underlying crisis remains an active, ongoing emergency. The urgent conditions that prompted the initial December 2025 filing have only escalated, necessitating the immediate adoption of these amendments to avert further, severe impacts to public health and welfare.

Specific Emergency Regulation Text Revisions

It was brought to the department's attention that there was an error in the original calculation for Geographic Service Area. Therefore, the department is amending the formula to ensure the regulation is accurate and compliant. All other terms, requirements, and conditions outlined in the original document remain in full effect. This addendum supersedes only the specific calculations mentioned in Section 74820. The following amendments have been made to the Emergency Regulations originally proposed for notice June 4, 2026, in order to provide additional clarity and address comments:

Section §74820 (f)(1)(D) to be Amended

• **Original Text:**

Multiplying the average number of all cancer deaths identified in subdivision (f)(1)(C) by 0.7 to account for patients with terminal illness diagnoses other than cancer.



- **Amended Text:**
Multiply the average number of all cancer deaths identified in subdivision (f)(1)(C) by (10/3) to account for patients with terminal illness diagnoses other than cancer.

Section §74820 (f)(1)(E) to be Deleted

- **Original Text:**
Adding the value identified in subdivision (f)(1)(D) to the average number of all cancer deaths identified in subdivision (f)(1)(C) to determine all potential hospice patients in the county.

Section §74820 (f)(1)(F) to be Amended

- **Change section reference from (f)(1)(F) to (f)(1)(E)**
- **Original Text:**
Multiplying the value identified in subdivision (f)(1)(E) by 0.5 to find the number of individuals who are likely to be eligible for hospice care in the county.
- **Amended Text:**
Multiplying the value identified in subdivision (f)(1)(D) by 0.5 to find the number of individuals who are likely to be eligible for hospice care in the county.

Section §74820 (f)(4) to be Amended

- **Change text cross-reference from (f)(1)(F) to (f)(1)(E)**
- **Original Text:**
If the number of individuals who are likely to be eligible for hospice care in a county identified in subdivision (f)(1)(F) is greater than the average number of patients that all currently licensed hospices in the same county can accommodate as identified in subdivision (f)(2)(D), there is evidence to establish there is an unmet need for hospice services in the identified county.
- **Amended Text:**
If the number of individuals who are likely to be eligible for hospice care in a county identified in subdivision (f)(1)(E) is greater than the average number of patients that all currently licensed hospices in the same county can accommodate as identified in subdivision (f)(2)(D), there is evidence to establish there is an unmet need for hospice services in the identified county.

CONTACT PERSON

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