

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1216 Session of
1997

INTRODUCED BY HOLL, DECEMBER 9, 1997

SENATOR TOMLINSON, COMMUNICATIONS AND HIGH TECHNOLOGY, AS
AMENDED, MARCH 10, 1998

AN ACT

1 Requiring the Department of Aging to place certain information
2 on the Internet; and providing for certain duties of the
3 Department of Health and the Department of Aging.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 ~~Section 1. Short title.~~

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7 ~~This act shall be known and may be cited as the Nursing Home~~
8 ~~Consumer Internet Information Access Law.~~

9 ~~Section 2. Definitions.~~

10 ~~The following words and phrases when used in this act shall~~
11 ~~have the meanings given to them in this section unless the~~
12 ~~context clearly indicates otherwise:~~

13 ~~"Consumer Information Internet Guide." The Nursing Home~~
14 ~~Consumer Information Internet Guide required to be published~~
15 ~~under the provisions of this act.~~

16 ~~"Elderly persons." Those persons residing within this~~
17 ~~Commonwealth who are 60 years of age or older.~~

18 ~~"Nursing home." A facility that provides either skilled or~~

~~intermediate nursing care or both levels of such care to two or more elderly persons, who are unrelated to the licensee, for a period exceeding 24 hours. Intermediate care facilities exclusively for the mentally retarded, commonly called ICF/MR shall not be considered nursing homes for the purpose of this act.~~

~~Section 3. Nursing home consumer information.~~

~~(a) Guide.~~

~~(1) The Department of Aging shall produce, in a timely manner, a nursing home information site on the Internet. It shall include:~~

~~(i) Nursing hours worked per patient per day and nursing hours required by the Department of Health per patient per day. Actual hours worked per patient per day are for the most recently concluded fiscal or calendar year.~~

~~(ii) Average length of service of professional nursing staff and the average length of service of nurse aide personnel at the nursing home completing the form.~~

~~(iii) Average length of licensure and/or certification of professional nursing staff and the average length of licensure and/or certification of nurse aide personnel.~~

~~(iv) Nursing hours per patient per day of temporary agency professional nursing staff and nurse aide personnel.~~

~~(v) Whether a resident council exists and meets on a regular basis.~~

~~(vi) Information obtained from the annual Long Term Care Facilities Questionnaires submitted to the~~

~~Department of Health.~~

~~(vii) Information obtained from the Health Care
Financing Administration Ownership Disclosure Form.~~

~~(viii) A comparative list of nursing homes developed
in the manner provided in subsection (b).~~

~~(ix) The Nursing Home Consumer Inquiry Telephone
Hotline telephone number required under subsection (c).~~

~~(2) If errors are found in the Consumer Information
Internet Guide, all facilities shall be sent a correction
sheet within 30 days of the Department of Aging's receipt of
notification of the error. For the purposes of this section,
an error shall be defined as information incorrectly
transcribed from the forms provided to the Department of
Health to the consumer guide.~~

~~(3) The Department of Aging will send final proofs to
the nursing home of its data profile that will be published
in the consumer guide prior to publication. The nursing home
will have five days to notify the Department of Aging of any
errors to be corrected. If the Department of Aging receives
no notification of errors, the data profile will be
considered accurate and will be published.~~

~~(b) Comparative list. The comparative list of nursing homes
shall be developed and included in the Consumer Information
Internet Guide by the Department of Aging. It shall include the
following information:~~

~~(1) Name of facility.~~

~~(2) Facility address and phone number.~~

~~(3) Bed capacity.~~

~~(4) Owner of facility and managing company, if
applicable.~~

1 ~~(5) Type of sponsorship, including, but not limited to,~~
2 ~~governmental, nonprofit and for profit or religious~~
3 ~~affiliation, if applicable.~~

4 ~~(6) Payment sources accepted, including, but not limited~~
5 ~~to, Medicare, Medicaid, Veterans' Administration, long term~~
6 ~~care insurance and private pay.~~

7 ~~(7) Current license, deficiency and certification status~~
8 ~~as determined by the Department of Health; whether, within~~
9 ~~the previous five years, the facility has been subject to a~~
10 ~~provisional license, a ban on admissions, penalties imposed~~
11 ~~in connection with the licensure or certification process, a~~
12 ~~license revocation or appointment of a temporary manager to~~
13 ~~operate the facility or Medicare or Medicaid decertification~~
14 ~~and the corresponding dates.~~

15 ~~(8) Nursing hours per patient per day and nursing hours~~
16 ~~required by the Department of Health per patient per day.~~
17 ~~Actual hours worked per patient per day are for the most~~
18 ~~recently concluded fiscal or calendar year.~~

19 ~~(9) Average length of service at the nursing home of~~
20 ~~professional nursing staff and the average length of service~~
21 ~~of nurse aide staff.~~

22 ~~(10) Average length of licensure and/or certification of~~
23 ~~professional nursing staff and the average length of~~
24 ~~licensure and/or certification of nurse aide personnel.~~

25 ~~(11) Nursing hours per patient per day of temporary~~
26 ~~agency professional nursing staff and nurse aide personnel.~~

27 ~~(12) A listing of existence and availability of specific~~
28 ~~therapy services, including, but not limited to, physical~~
29 ~~therapy, occupational therapy, speech therapy and respiratory~~
30 ~~therapy.~~

~~(13) Whether a resident council exists and meets on a regular basis.~~

~~(14) Name and telephone number of a local ombudsman.~~

~~(15) Costs per day, month and year.~~

~~(16) Visiting hours.~~

~~(17) If there are telephones available for private conversations.~~

~~(18) If there is a registered dietitian.~~

~~(19) If there is a written emergency evacuation plan.~~

~~(20) The nearest hospital and the distance in miles from the nursing home.~~

~~(21) If there are isolation rooms for patients with contagious illnesses.~~

~~(22) If there is an Alzheimer/Parkinson disease program.~~

~~(23) Whether there are qualified physical therapists onsite.~~

~~(24) Whether there is a written description of patients rights and responsibilities.~~

~~(25) Whether there are written policies on "do not resuscitate orders," physical restraints and chemical sedation.~~

~~(26) What medical services are available onsite, including dentists, podiatrists, pharmacists, ophthalmologists.~~

~~(27) The current resident profile, including average age, race and sex.~~

~~(c) Nursing Home Consumer Inquiry Telephone Hotline. The Department of Aging shall establish a Statewide telephone number to serve as the Nursing Home Consumer Inquiry Telephone Hotline. This number shall be a toll free number. The purpose of this~~

~~telephone number is to respond to calls regarding the current licensure, deficiency and certification status of nursing homes. All data provided by the hotline shall be updated each week using information provided by the Department of Health in a timely fashion. This telephone number shall be prominently displayed in the annual Consumer Information Internet Guide.~~

~~(d) Disclosure. The State Long Term Care Ombudsman in the Department of Aging shall mail at least the address of the Consumer Information Internet Guide to the local long term care ombudsman of each area agency on aging, to each nursing home and to the Pennsylvania Council on Aging annually.~~

~~(e) Availability. Each nursing home shall post next to its Department of Health license an exact copy of its listing as found in the Consumer Information Internet Guide. A nursing home shall provide to each prospective resident and family member of such prospective resident who visits the facility, or any member of the public upon request, during normal business or visiting hours, Sunday through Saturday, an exact copy of its listing as set forth in the Consumer Information Internet Guide.~~

~~(f) Inspections. The Department of Health shall verify the availability of the listing during annual licensing surveys. The Department of Health shall monitor compliance with the requirements of this act for regular filing of the Long Term Care Facilities Questionnaire with the Department of Health.~~

~~(g) Update. The Department of Health shall issue modifications to the Long Term Care Facilities Questionnaire resulting from changes in the reimbursement system for nursing homes. Such modifications shall provide the same information in an updated format.~~

~~(h) Regulations. The Department of Aging shall promulgate~~

~~regulations setting forth proposed additions, changes, or both,
if the department does any of the following:~~

~~(1) Expands the scope of the consumer guide beyond those
topics expressly set forth in subsection (a).~~

~~(2) Expands the scope of the comparative list beyond
those topics expressly set forth in subsection (b).~~

~~(3) Expands the scope of any topic expressly set forth
in subsection (a) or (b).~~

~~Section 4. Complaints.~~

~~Complaints of noncompliance with this act shall be filed with
the Department of Aging. A complainant shall include a local
ombudsman, a nursing home employee, a nursing home resident, a
prospective nursing home resident, or any person representing
the interests of a nursing home resident or prospective nursing
home resident.~~

~~Section 5. Additional consumer information.~~

~~Each nursing home shall provide to each prospective resident
or representative thereof at the time of initial inquiry, a
companion consumer guide which describes how to select a nursing
home. This information can be either a publication of the
Department of Aging, a camera ready copy of a publication
provided by the Department of Aging or a comparable publication
that will inform the consumer on how to choose a nursing home.~~

~~Section 6. Effective date.~~

~~This act shall take effect in 90 days.~~

~~SECTION 1. SHORT TITLE.~~

~~THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE LONG-TERM
CARE FACILITY CONSUMER INTERNET INFORMATION ACCESS LAW.~~

~~SECTION 2. DEFINITIONS.~~

~~THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL~~

1 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
2 CONTEXT CLEARLY INDICATES OTHERWISE:

3 "AREA AGENCY ON AGING." AN AGENCY DESIGNATED BY THE
4 DEPARTMENT OF AGING IN ACCORDANCE WITH THE OLDER AMERICANS ACT
5 OF 1965 (PUBLIC LAW 89-73, 42 U.S.C. § 3001 ET SEQ.) AND ARTICLE
6 XXII-A OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS
7 THE ADMINISTRATIVE CODE OF 1929, TO PLAN AND PROVIDE A
8 COMPREHENSIVE AND COORDINATED SYSTEM OF SERVICES FOR OLDER
9 ADULTS AND TO SERVE AS THE ADVOCATE FOR OLDER PERSONS IN THE
10 COMMUNITY.

11 "DEPARTMENT." THE DEPARTMENT OF AGING OF THE COMMONWEALTH.

12 "FACILITY." A LONG-TERM CARE NURSING FACILITY AS DEFINED IN
13 SECTION 802.1 OF THE ACT OF JULY 19, 1979 (P.L.130, NO.48),
14 KNOWN AS THE HEALTH CARE FACILITIES ACT.

15 "LONG-TERM CARE FACILITY INFORMATION SITE" OR "SITE." THE
16 INTERNET SITE ESTABLISHED UNDER SECTION 3(A).

17 SECTION 3. LONG-TERM CARE NURSING FACILITY CONSUMER
18 INFORMATION.

19 (A) SITE.--WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS
20 ACT, THE DEPARTMENT SHALL ESTABLISH AN INTERNET SITE TO PROVIDE
21 CONSUMERS WITH INFORMATION REGARDING LONG-TERM CARE NURSING
22 FACILITIES AND RELATED SERVICES IN THIS COMMONWEALTH.

23 (B) FORMAT.--THE DEPARTMENT SHALL PROVIDE THE INFORMATION
24 REQUIRED UNDER THIS SECTION IN A MANNER THAT PROMOTES CONSUMER
25 UNDERSTANDING AND ACCESSIBILITY.

26 (C) INFORMATION.--THE DEPARTMENT SHALL DETERMINE THE
27 INFORMATION RELATING TO FACILITIES TO BE POSTED UNDER SUBSECTION
28 (A). THIS INFORMATION SHALL BE LIMITED TO DATA THAT IS A MATTER
29 OF PUBLIC RECORD AND ROUTINELY COLLECTED BY COMMONWEALTH
30 AGENCIES.

(D) LONG-TERM CARE INFORMATION.--THE DEPARTMENT SHALL DETERMINE THE LONG-TERM CARE FACILITY SERVICES THAT ARE REQUIRED TO BE DISCLOSED BY FEDERAL OR STATE LAW. THE DEPARTMENT SHALL DEVELOP A LIST OF SUCH SERVICES AND DETERMINE WHICH INFORMATION SHALL BE POSTED UNDER SUBSECTION (A), INCLUDING, BUT NOT LIMITED TO:

(1) INSTRUCTIONS ON HOW TO ACCESS PUBLIC INFORMATION REGARDING FACILITY LICENSURE HISTORY, CURRENT CERTIFICATION AND LICENSE STATUS, INCLUDING ANY CURRENT DEFICIENCIES AND ANY PLAN OF CORRECTION, AS DETERMINED AND AUTHORIZED BY THE DEPARTMENT OF HEALTH.

(2) INSTRUCTIONS ON HOW TO ACCESS SERVICES UNDER THE OMBUDSMAN PROGRAM AND THE ROLE OF THE OMBUDSMAN PROGRAM.

(3) STANDARD VISITING HOURS.

(4) AVAILABILITY OF TELEPHONE ACCESS FOR PRIVATE USE.

(5) WRITTEN DESCRIPTION OR PATIENTS' RIGHTS AND RESPONSIBILITIES.

(6) WRITTEN POLICIES REGARDING A DECLARATION MADE UNDER 20 PA.C.S. CH. 54 (RELATING TO ADVANCE DIRECTIVE FOR HEALTH CARE).

(7) SUCH OTHER FEDERAL OR STATE REQUIREMENTS, AS DETERMINED BY THE DEPARTMENT.

(E) FACILITY INFORMATION.--THE DEPARTMENT SHALL DETERMINE THE INFORMATION RELATING TO A SPECIFIC FACILITY THAT SHALL BE POSTED UNDER SUBSECTION (A). THE FACILITY INFORMATION SHALL INCLUDE, BUT NOT BE LIMITED TO:

(1) NAME OF THE FACILITY.

(2) ADDRESS AND TELEPHONE NUMBER OF THE FACILITY.

(3) LICENSED BED CAPACITY OF THE FACILITY.

(4) OWNER OF FACILITY AND MANAGING COMPANY, IF

1 APPLICABLE.

2 (5) TYPE OF SPONSORSHIP, INCLUDING, BUT NOT LIMITED TO,
3 GOVERNMENTAL, NONPROFIT AND FOR-PROFIT OR RELIGIOUS
4 AFFILIATION, IF APPLICABLE.

5 (6) PAYMENT SOURCES ACCEPTED, INCLUDING, BUT NOT LIMITED
6 TO, MEDICARE, MEDICAID, VETERANS' ADMINISTRATION, LONG-TERM
7 CARE INSURANCE AND PRIVATE PAY.

8 (7) EXISTENCE AND AVAILABILITY OF SPECIFIC THERAPY
9 SERVICES, INCLUDING, BUT NOT LIMITED TO, PHYSICAL THERAPY,
10 OCCUPATIONAL THERAPY, SPEECH THERAPY AND RESPIRATORY THERAPY.

11 (8) EXISTENCE OF A RESIDENT COUNCIL.

12 (9) EXISTENCE AND AVAILABILITY OF A REGISTERED
13 DIETITIAN.

14 (10) EXISTENCE OF SPECIAL UNITS, TO INCLUDE DEDICATED
15 ALZHEIMER'S DISEASE/DEMENTIA UNITS OR PARKINSON'S UNITS.

16 (11) AVAILABILITY OF ONSITE MEDICAL SERVICES, INCLUDING
17 DENTISTS, PODIATRISTS, PHARMACISTS AND OPHTHALMOLOGISTS OR
18 OPTOMETRISTS.

19 (12) INFORMATION ON HOW TO CONTACT THE LOCAL AREA AGENCY
20 ON AGING, INCLUDING THE SERVICES AVAILABLE TO PERSONS OVER 60
21 YEARS OF AGE THROUGH THE LOCAL AREA AGENCY ON AGING.

22 (13) INFORMATION ON COMMUNITY RESOURCES THAT CAN ASSIST
23 IN THE SELECTION OF A LONG-TERM CARE FACILITY, SUCH AS TRADE
24 ASSOCIATIONS OR CONSUMER ADVOCACY GROUPS.

25 (F) AVAILABILITY.--EACH NURSING FACILITY SHALL POST A COPY
26 OF ITS ADDRESS LISTING ON THE LONG-TERM CARE FACILITY
27 INFORMATION SITE NEXT TO ITS DEPARTMENT OF HEALTH LICENSE. A
28 NURSING FACILITY SHALL PROVIDE A COPY OF ITS LISTING ON THE
29 LONG-TERM CARE FACILITY INFORMATION SITE TO EACH PROSPECTIVE
30 RESIDENT OR REPRESENTATIVE OF THE PROSPECTIVE RESIDENT, AND,

1 UPON REQUEST, TO MEMBERS OF THE PUBLIC.

2 (G) LIMITATIONS.--NOTHING IN THIS ACT SHALL REQUIRE THE
3 DEPARTMENT TO COLLECT DATA FROM NURSING FACILITIES OR OTHER
4 SERVICE PROVIDERS OR TO MAKE QUALITATIVE JUDGMENTS REGARDING ANY
5 OF THE INFORMATION INCLUDED ON THE SITE. NOTHING IN THIS ACT
6 SHALL REQUIRE OR PERMIT THE DEPARTMENT TO POST INFORMATION
7 DEEMED TO BE CONFIDENTIAL UNDER ANY FEDERAL OR STATE LAW.

8 (H) CORRECTIONS.--THE DEPARTMENT SHALL CORRECT ERRORS FOUND
9 IN THE INFORMATION INCLUDED ON THE SITE WITHIN 30 DAYS OF
10 RECEIPT OF NOTIFICATION OF THE ERROR.

11 (I) VERIFICATION.--THE DEPARTMENT OR THE DEPARTMENT OF
12 HEALTH MAY REQUIRE VERIFICATION OF INFORMATION FROM FACILITIES
13 AS IT DEEMS NECESSARY.

14 (J) DISCLOSURE.--THE STATE LONG-TERM CARE OMBUDSMAN IN THE
15 DEPARTMENT OF AGING SHALL ANNUALLY MAIL THE ADDRESS OF THE SITE
16 TO THE LOCAL LONG-TERM CARE OMBUDSMAN OF EACH AREA AGENCY ON
17 AGING, EACH FACILITY LICENSED BY THE DEPARTMENT OF HEALTH AND TO
18 THE PENNSYLVANIA COUNCIL ON AGING.

19 SECTION 4. COLLECTION OF INFORMATION.

20 (A) COOPERATION BY COMMONWEALTH AGENCIES.--THE DEPARTMENT OF
21 HEALTH AND ANY OTHER COMMONWEALTH AGENCY THAT REGULATES OR
22 COLLECTS INFORMATION FROM A LONG-TERM CARE FACILITY OR RELATED
23 SERVICE PROVIDER SHALL COOPERATE WITH AND PROVIDE INFORMATION TO
24 THE DEPARTMENT AS REQUIRED TO ESTABLISH AND MAINTAIN THE SITE.
25 COOPERATION SHALL INCLUDE THE PROVISION OF REPORTS,
26 QUESTIONNAIRES AND OTHER INFORMATION IN A TIMELY MANNER.

27 (B) STANDARD FORMS.--THE DEPARTMENT OF HEALTH AND THE
28 DEPARTMENT SHALL DEVELOP STANDARD FORMS TO COLLECT THE
29 INFORMATION REQUIRED UNDER SECTION 3(E).

30 (C) INFORMATION NOT ROUTINELY COLLECTED.--INFORMATION

1 REQUIRED TO BE POSED THAT IS NOT ROUTINELY COLLECTED BY THE
2 DEPARTMENT OF HEALTH OR ANY OTHER COMMONWEALTH AGENCY SHALL BE
3 PROVIDED TO THE DEPARTMENT BY THE FACILITY. THE DEPARTMENT OR
4 THE DEPARTMENT OF HEALTH SHALL REQUEST ADDITIONAL INFORMATION
5 FROM PRIVATE AND COMMUNITY ORGANIZATIONS, OR RELATED SERVICE
6 PROVIDERS OR OTHER ENTITIES NECESSARY TO CARRY OUT THE
7 PROVISIONS OF THIS ACT.

8 SECTION 5. EFFECTIVE DATE.

9 THIS ACT SHALL TAKE EFFECT IN 90 DAYS.