

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1860 Session of
1995

INTRODUCED BY VEON, DeWEESE, BELARDI, CORRIGAN, ROONEY, SANTONI,
KING, JOSEPHS, MANDERINO, TRELLO, ITKIN, STABACK, OLASZ,
YOUNGBLOOD, MELIO AND LAUGHLIN, JUNE 21, 1995

REFERRED TO COMMITTEE ON AGING AND YOUTH, JUNE 21, 1995

AN ACT

1 Requiring nursing homes to submit information annually to the
2 Department of Health; 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.

7 This act shall be known and may be cited as the Nursing Home
8 Consumer Information 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 Guide." The Nursing Home Consumer
14 Information Guide required to be published under the provisions
15 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

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

7 Section 3. Nursing Home Consumer Information Report.

8 In addition to the information required by the Department of
9 Health on a form provided by the Department of Health pursuant
10 to the provisions of the act of July 19, 1979 (P.L.130, No.48),
11 known as the Health Care Facilities Act, and regulations
12 promulgated pursuant thereto, each nursing home shall provide to
13 the Department of Health no later than 90 days after the close
14 of each calendar year the following information on the above-
15 referenced form:

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

20 (2) Average length of service of professional nursing
21 staff and the average length of service of nurse aide
22 personnel at the nursing home completing the form.

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

26 (4) Nursing hours per patient per day of temporary
27 agency professional nursing staff and nurse aide personnel.

28 (5) Whether a resident council exists and meets on a
29 regular basis.

30 Section 4. Nursing home consumer information.

1 (a) Guide.--

2 (1) The Department of Aging shall produce, in a timely
3 manner, an annual Nursing Home Consumer Guide. It shall
4 include:

5 (i) The items listed in section 3.

6 (ii) Information obtained from the annual Long-Term
7 Care Facilities Questionnaires submitted to the
8 Department of Health.

9 (iii) Information obtained from the Health Care
10 Financing Administration Ownership Disclosure Form.

11 (iv) A comparative list of nursing homes developed
12 in the manner provided in subsection (b).

13 (v) The Nursing Home Consumer Inquiry Hotline
14 telephone number required under subsection (c).

15 (2) If errors are found in the Nursing Home Consumer
16 Guide, all facilities shall be sent a correction sheet within
17 30 days of the Department of Aging's receipt of notification
18 of the error. For the purposes of this section, an error
19 shall be defined as information incorrectly transcribed from
20 the forms provided to the Department of Health to the
21 consumer guide.

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

29 (b) Comparative list.--The comparative list of nursing homes
30 shall be developed and included in the Consumer Information

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.

(5) Type of sponsorship, including, but not limited to, governmental, nonprofit and for-profit.

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

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

(8) Nursing hours 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.

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

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

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

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

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

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

(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 Nursing Home Consumer Guide.

(d) Disclosure.--The State Long-Term Care Ombudsman in the Department of Aging shall mail at least one copy of the Nursing Home Consumer Information 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 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 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 5. 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 6. Additional consumer information.

Each nursing home shall provide to each prospective resident

1 or representative thereof at the time of initial inquiry, a
2 companion consumer guide which describes how to select a nursing
3 home. This information can be either a publication of the
4 Department of Aging, a camera-ready copy of a publication
5 provided by the Department of Aging or a comparable publication
6 that will inform the consumer on how to choose a nursing home.

7 Section 7. Penalties.

8 The Department of Aging shall have the authority to assess a
9 \$1,000 civil penalty for each violation of this act. Any person
10 aggrieved by an adjudication by the Department of Aging shall
11 have the right to appeal pursuant to 42 Pa.C.S. (relating to
12 judiciary and judicial procedure).

13 Section 8. Repeals.

14 All acts and parts of acts are repealed insofar as they are
15 inconsistent with this act.

16 Section 9. Effective date.

17 This act shall take effect in 90 days.