

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1802 Session of
1997

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VAN HORNE AND WALKO, DECEMBER 9, 1997

REFERRED TO COMMITTEE ON AGING AND YOUTH, DECEMBER 9, 1997

AN ACT

1 Requiring nursing homes to submit information annually to the
2 Department of Health; requiring the Department of Health to
3 place certain information on the Internet; and providing for
4 certain duties of the Department of Health and the Department
5 of Aging.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Nursing Home
10 Consumer Internet Information Access Law.

11 Section 2. Definitions.

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

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

18 "Elderly persons." Those persons residing within this

1 Commonwealth who are 60 years of age or older.

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

9 Section 3. Nursing Home Consumer Information Report.

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

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

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

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

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

30 (5) Whether a resident council exists and meets on a

1 regular basis.

2 Section 4. Nursing home consumer information.

3 (a) Guide.--

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

7 (i) The items listed in section 3.

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

11 (iii) Information obtained from the Health Care
12 Financing Administration Ownership Disclosure Form.

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

15 (v) The Nursing Home Consumer Inquiry Telephone
16 Hotline telephone number required under subsection (c).

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

24 (3) The Department of Aging will send final proofs to
25 the nursing home of its data profile that will be published
26 in the consumer guide prior to publication. The nursing home
27 will have five days to notify the Department of Aging of any
28 errors to be corrected. If the Department of Aging receives
29 no notification of errors, the data profile will be
30 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.

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

(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.

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

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

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

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

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

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

14 (16) Visiting hours.

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

17 (18) If there is a registered dietitian.

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

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

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

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

24 (23) Whether there are qualified physical therapists
25 onsite.

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

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

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

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

6 (c) Nursing Home Consumer Inquiry Telephone Hotline.--The
7 Department of Aging shall establish a Statewide telephone number
8 to serve as the Nursing Home Consumer Inquiry Telephone Hotline.
9 This number shall be a toll-free number. The purpose of this
10 telephone number is to respond to calls regarding the current
11 licensure, deficiency and certification status of nursing homes.
12 All data provided by the hotline shall be updated each week
13 using information provided by the Department of Health in a
14 timely fashion. This telephone number shall be prominently
15 displayed in the annual Consumer Information Internet Guide.

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

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

29 (f) Inspections.--The Department of Health shall verify the
30 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 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

1 provided by the Department of Aging or a comparable publication
2 that will inform the consumer on how to choose a nursing home.

3 Section 7. Penalties.

4 The Department of Aging shall have the authority to assess a
5 \$1,000 civil penalty for each violation of this act. Any person
6 aggrieved by an adjudication by the Department of Aging shall
7 have the right to appeal pursuant to 42 Pa.C.S. (relating to
8 judiciary and judicial procedure).

9 Section 8. Repeals.

10 All acts and parts of acts are repealed insofar as they are
11 inconsistent with this act.

12 Section 9. Effective date.

13 This act shall take effect in 90 days.