

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1274 Session of  
1999

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COSTA AND LEDERER, APRIL 14, 1999

REFERRED TO COMMITTEE ON AGING AND YOUTH, APRIL 14, 1999

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.

1 "Elderly persons." Those persons residing within this  
2 Commonwealth who are 60 years of age or older.

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

10 Section 3. Nursing Home Consumer Information Report.

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

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

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

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

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

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

Section 4. 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) The items listed in section 3.

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

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

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

(v) 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

1 considered accurate and will be published.

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

6 (1) Name of facility.

7 (2) Facility address and telephone number.

8 (3) Bed capacity.

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

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

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

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

25 (8) Nursing hours per patient per day and nursing hours  
26 required by the Department of Health per patient per day.  
27 Actual hours worked per patient per day are for the most  
28 recently concluded fiscal or calendar year.

29 (9) Average length of service at the nursing home of  
30 professional nursing staff and the average length of service

1 of nurse aide staff.

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

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

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

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

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

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

15 (16) Visiting hours.

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

18 (18) If there is a registered dietitian.

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

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

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

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

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

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

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

1 sedation.

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

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

7 (28) Information on how to contact the local area agency  
8 on aging, including the services available to persons over 60  
9 years of age through the local area agency on aging.

10 (29) Information on community resources that can assist  
11 in the selection of a long-term care facility, such as trade  
12 associations or consumer advocacy groups.

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

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

28 (e) Availability.--Each nursing home shall post next to its  
29 Department of Health license an exact copy of its listing as  
30 found in the Consumer Information Internet Guide. A nursing home

1 shall provide to each prospective resident and family member of  
2 such prospective resident who visits the facility, or any member  
3 of the public upon request, during normal business or visiting  
4 hours, Sunday through Saturday, an exact copy of its listing as  
5 set forth in the Consumer Information Internet Guide.

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

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

16 (h) Regulations.--The Department of Aging shall promulgate  
17 regulations setting forth proposed additions, changes, or both,  
18 if the department does any of the following:

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

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

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

## 25 Section 5. Complaints.

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

1 home resident.

2 Section 6. Additional consumer information.

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

10 Section 7. Penalties.

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

16 Section 8. Repeals.

17 All acts and parts of acts are repealed insofar as they are  
18 inconsistent with this act.

19 Section 9. Effective date.

20 This act shall take effect in 90 days.