



HOUSE COMMITTEE ON APPROPRIATIONS

2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 372

PRINTER'S NO: 390

PRIME SPONSOR: Staback

FISCAL IMPACT SUMMARY	FY 2008/09	FY 2009/10
Expenditure Increase/(Decrease):		
General Fund	\$0	\$0

OVERVIEW:

House Bill 372 amends the Health Care Facilities Act to define response parameters for complaint investigations of long-term care nursing facilities. The act defines "immediate jeopardy" as a situation where noncompliance with one or more requirements has caused or may cause serious injury, harm, impairment or death to a resident. The act categorizes two levels of complaints. A "general complaint" is a complaint that does not allege immediate jeopardy. A "priority complaint" is a complaint that alleges immediate jeopardy.

Under this act, the Department of Health shall initiate investigations of a priority complaint within 24 hours of receiving the complaint. For general complaints, an inspection shall be initiated or a surveyor shall be assigned to initiate an inspection within 48 hours of receiving the complaint. Once the "plan of correction" has been submitted, follow-up inspections shall be conducted after the longest target date for compliance has been reached but no later than 90 days after the initial inspection.

The act shall take effect in 60 days.

ANALYSIS:

Under federal regulations, as Centers for Medicare and Medicaid Services (CMS) site surveyors and complaint investigators, the Department of Health is required to respond to complaints involving "immediate jeopardy" within 48 hours. The Department's current practice is to respond to such complaints within 24 hours, as would be codified by this legislation. In most cases, these complaints are investigated within 10 hours. While the Department is concerned that it may need additional staff to address any large-scale unexpected events, this fiscal analysis assumes that the requirements set forth in this act will be met with existing resources.

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House Appropriations Committee, (D)

DATE: March 25, 2009

General Note and Disclaimer: *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*