
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 197 Session of
2007

INTRODUCED BY KASUNIC, COSTA, KITCHEN, C. WILLIAMS, RAFFERTY,
TARTAGLIONE, FONTANA, WOZNIAK, LOGAN, BROWNE, STACK, BOSCOLA,
STOUT, MUSTO AND FERLO, MARCH 7, 2007

REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 7, 2007

AN ACT

1 Providing for nursing home performance information; and
2 requiring nursing homes to maintain inspection reports and to
3 distribute reports to patients or designees.

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 Performance Information Act.

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 "Area agency on aging." An agency designated by the
14 Department of Aging in accordance with the Older Americans Act
15 of 1965 (Public Law 89-73, 42 U.S.C. § 3001 et seq.) and Article
16 XXII-A of the act of April 9, 1929 (P.L.177, No.175), known as
17 The Administrative Code of 1929, to plan and provide a
18 comprehensive and coordinated system of services for older

1 adults and to serve as the advocate for older persons in the
2 community.

3 "Consumer guide on nursing home performance." The consumer
4 guide required to be published by the Department of Health under
5 the provisions of this act.

6 "Department." The Department of Health of the Commonwealth.

7 "Nursing home." Any long-term care nursing facility as
8 defined in section 802.1 of the act of July 19, 1979 (P.L.130,
9 No.48), known as the Health Care Facilities Act.

10 "Secretary." The Secretary of Health of the Commonwealth.
11 Section 3. Consumer guide on nursing home performance.

12 (a) Publication.--The department shall publish in electronic
13 and paper media on an annual basis a consumer guide on nursing
14 home performance. The department's initial guide shall contain
15 information from calendar year 2004 and shall be published
16 within 60 days of the effective date of this section. The second
17 consumer guide shall contain information from calendar year 2004
18 and calendar year 2005. The third consumer guide shall contain
19 information from calendar year 2004, calendar year 2005 and
20 calendar year 2006. All subsequent consumer guides shall contain
21 information from the last three calendar years. These guides
22 shall hereafter be published no later than January 31 of the
23 year following the year covered in the guides.

24 (b) Contents.--The consumer guide on nursing home
25 performance shall contain the following information for the
26 three most recent calendar years for each nursing home licensed
27 and operating within this Commonwealth:

28 (1) The name, address, county and telephone number of
29 the nursing home.

30 (2) The number of licensed beds and the occupancy rate

1 of the nursing home.

2 (3) Ownership of the nursing home.

3 (4) Current license status.

4 (5) A numerical breakdown of the number of deficiencies
5 pertaining to:

6 (i) Resident rights.

7 (ii) Resident behavior and facility practices.

8 (iii) Quality of life.

9 (iv) Resident assessment.

10 (v) Quality of care.

11 (vi) Nursing services.

12 (vii) Dietary services.

13 (viii) Physician services.

14 (ix) Specialized rehabilitative services.

15 (x) Pharmacy services.

16 (xi) Infection control.

17 (xii) Physical environment.

18 (xiii) Administration.

19 (6) The total number of deficiencies in each of the
20 three years.

21 (7) A summary of deficiencies according to severity
22 level in each of the three years.

23 (8) A listing of any sanctions or remedies imposed
24 against the nursing home in the period covered. This listing
25 shall include, but not be limited to, any plan of correction
26 implemented, provisional license issued, temporary management
27 appointed, suspension or ban on admissions, civil penalties,
28 or any other remedy or sanction imposed, and their effective
29 dates.

30 Section 4. Categorization of deficiencies.

1 (a) Categorization and reporting.--For purposes of this act,
2 the department shall use the criteria set forth in 42 CFR Pt.
3 483 Subpt. B (relating to requirements for long term care
4 facilities) in categorizing and reporting a nursing home's
5 deficiencies under section 3(b)(5).

6 (b) Severity level.--For purposes of this act, the
7 department shall use the criteria set forth in 42 CFR
8 488.404(b)(1) (relating to factors to be considered in selecting
9 remedies) when determining the severity level of a nursing
10 home's deficiencies under section 3(b)(7).

11 Section 5. Nursing home to maintain inspection reports.

12 Each licensed nursing home shall keep on file all inspection
13 reports completed by the department during the period covered in
14 the most recent consumer guide. The nursing home shall allow
15 public inspection of these reports upon request.

16 Section 6. Administration.

17 (a) File copy.--A copy of the consumer guide on nursing home
18 performance shall be kept on file in the main office of the
19 department. The secretary shall also provide each local area
20 agency on aging within this Commonwealth a copy of the
21 information compiled for section 3(b) for each licensed nursing
22 home within the local area agency on aging's service area.

23 (b) Copies to residents or designees.--All nursing homes
24 licensed by the department shall provide a copy of the nursing
25 home's most recent information published in the consumer guide
26 on nursing home performance to each nursing home resident or his
27 or her designated guardian on an annual basis. The nursing home
28 shall also provide a copy of the nursing home's most recent
29 information published in the consumer guide on nursing home
30 performance to any individual, or their immediate family or

1 guardian, considering residency in the nursing home.

2 (c) Posting.--All nursing homes within this Commonwealth
3 shall post in a conspicuous public place and in a manner clearly
4 visible to the resident and visitor notice of the existence of
5 the guide and information advising that State law requires that
6 individuals receive a copy of the nursing home's information
7 either annually or when considering residency in the nursing
8 home.

9 Section 7. Form of consumer guide on nursing home performance.

10 The consumer guide on nursing home performance established
11 under section 3 shall be substantially in the following form:

12 Commonwealth of Pennsylvania

13 Consumer Guide on Nursing Home Performance

14 Name of Nursing Home

15 Address

16 County

17 Telephone Number

18 Ownership

19 Number of Beds

20 Occupancy Rate

21 Current License Status

22 SUMMARY OF DEFICIENCIES

23 (Number of deficiencies per year)

24 Performance Categories Year Year Year

25 Resident Rights

26 Resident Behavior and Facility

27 Practices

28 Quality of Life

29 Resident Assessment

30 Quality of Care

- 1 Nursing Services
- 2 Dietary Services
- 3 Physician Services
- 4 Specialized Rehabilitative
- 5 Services
- 6 Pharmacy Services
- 7 Infection Control
- 8 Physical Environment
- 9 Administration

10 Total Number of Deficiencies:

11 Summary of Deficiencies by Severity Level

12 Classification of Severity Levels	Year	Year	Year
13 Level 1 - No negative impact on			
14 residents			
15 Level 2 - Potential for negative			
16 impact on residents			
17 Level 3 - Actual negative impact on			
18 residents			
19 Level 4 - Immediate jeopardy to			
20 residents			

21 History of Sanctions or Remedies Imposed

22 Type of Sanction or Remedy	Effective Dates
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23 Section 8. Effective date.

24 This act shall take effect immediately.