

HOUSE BILL NO. 328

Introduced: 01/18/83

Referred to Committee on Human Services: 01/18/83

Hearing: 2/2/83

Report: 02/12/83, Do Pass, As Amended

Rereferred to Committee on Appropriations: 02/15/83

2nd Reading: 02/21/83, Do Not Pass

Bill Killed

1 House BILL NO. 328
2 INTRODUCED BY James Vincent David Ream
3 Barbara O. Connell
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR ANNUAL
5 UNANNOUNCED INSPECTIONS OF LONG-TERM CARE FACILITIES BY THE
6 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; AMENDING
7 SECTION 50-5-204, MCA."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Section 50-5-204, MCA, is amended to read:
11 "50-5-204. Issuance and renewal of licenses —
12 inspections. (1) After receipt of a new or renewal
13 application and a determination by the department that the
14 facility meets minimum standards and the proposed or
15 existing staff is qualified, the department shall issue a
16 license for 1 year. If minimum standards are not met, the
17 department may issue a provisional license for less than 1
18 year if operation will not result in undue hazard to
19 patients or residents or if the demand for accommodations
20 offered is not met in the community. The minimum standards
21 which home health agencies must meet in order to be licensed
22 shall be as outlined in 42 U.S.C. 1395 x(o), as amended, and
23 in rules implementing it which add minimum standards.
24 (2) The department must inspect a new facility before
25 an initial license is granted.

1 (3) An application for renewal of a license must be
2 accompanied by a report, on forms provided by the
3 department, containing such information as the department
4 considers necessary to determine whether minimum standards
5 are being met.
6 (4) The department may inspect a licensed health care
7 facility whenever it considers it necessary and shall
8 inspect each licensed facility, except long-term care
9 facilities, at least once within the 3 years following the
10 date of its last inspection. The department shall perform
11 an annual unannounced inspection of each long-term care
12 facility.
13 (5) The entire premises of a licensed facility shall
14 be open to inspection, and access to all records shall be
15 granted at all reasonable times."

-End-

INTRODUCED BILL

STATE OF MONTANA

168-83

REQUEST NO. _____

FISCAL NOTE

Form BD-15

In compliance with a written request received January 20, 19 83, there is hereby submitted a Fiscal Note for House Bill 328 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 328 provides for annual unannounced inspections of long-term care facilities by the Department of Health and Environmental Sciences and amends Section 50-5-204, MCA.

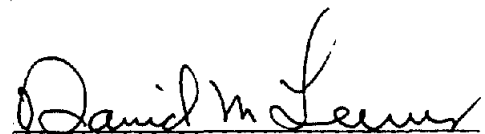
ASSUMPTIONS:

- 1) 48 long-term care surveys are scheduled for FY 1983 utilizing existing staff. 100% annual surveys should add 46 additional long-term care surveys and require two additional surveyors to be hired.
- 2) Salaries for 2 surveyors at Grade 14, Step 1 for 1984, and at Grade 14, Step 3 for 1985.
- 3) Operating expense was based on the average cost per surveyor of existing staff.

FISCAL IMPACT:

	<u>FY84</u>	<u>FY85</u>	<u>Total Biennium</u>
General Fund			
Under Current Law	\$133,900	\$100,269	\$234,169
Under Proposed Law	<u>188,115</u>	<u>157,867</u>	<u>345,702</u>
Increase Expenditures	<u>\$ 54,215</u>	<u>\$ 57,598</u>	<u>\$111,813</u>

FISCAL NOTE 6:J/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-25-83

1 STATEMENT OF INTENT

2 HOUSE BILL 328

3 House Human Services Committee

4

5 House Bill 328 requires a statement of intent because
6 it requires the Department of Health and Environmental
7 Sciences to conduct an annual unannounced inquiry at each
8 licensed long-term care facility.

9 The Legislature contemplates that such inquiry should
10 include, but not be limited to, the following:

11 (1) Consideration of general resident care and
12 treatment, including resident's personal hygiene and
13 cleanliness.

14 (2) Consideration of the living environment, including
15 cleanliness of the premises.

16 (3) Consideration of the residents' general well-being
17 and morale.

18 (4) Consideration of the facility's staff's morale.

19 Further, the process for conducting the inquiry should
20 include, at a minimum, a survey of the residents by written
21 instrument or personal interview, a survey of the facility's
22 staff, a general tour of the facility, and other activity as
23 may be reasonable.

SECOND READING
HB 328

Approved by Comm. on Human Services

HOUSE BILL NO. 328

INTRODUCED BY FARRIS, VINCENT, HAND,

REAM, BACHINI, O'CONNELL

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR ANNUAL
UNANNOUNCED ~~INSPECTIONS~~ ~~OF~~ ~~INQUIRIES~~ AT LONG-TERM CARE
FACILITIES BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
SCIENCES; AMENDING SECTION 50-5-204, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-5-204, MCA, is amended to read:

"50-5-204. Issuance and renewal of licenses --
inspections. (1) After receipt of a new or renewal
application and a determination by the department that the
facility meets minimum standards and the proposed or
existing staff is qualified, the department shall issue a
license for 1 year. If minimum standards are not met, the
department may issue a provisional license for less than 1
year if operation will not result in undue hazard to
patients or residents or if the demand for accommodations
offered is not met in the community. The minimum standards
which home health agencies must meet in order to be licensed
shall be as outlined in 42 U.S.C. 1395 x(o), as amended, and
in rules implementing it which add minimum standards.

(2) The department must inspect a new facility before

an initial license is granted.

(3) An application for renewal of a license must be
accompanied by a report, on forms provided by the
department, containing such information as the department
considers necessary to determine whether minimum standards
are being met.

(4) The department may inspect a licensed health care
facility whenever it considers it necessary and shall
inspect each licensed facility ~~except long-term care~~
~~facilities~~ at least once within the 3 years following the
date of its last inspection. ~~The~~

(5) IN ADDITION TO AND SEPARATE FROM THE INSPECTION
REQUIRED IN SUBSECTION (4), THE DEPARTMENT SHALL PERFORM AN
ANNUAL UNANNOUNCED INSPECTION OF INQUIRY AT EACH LONG-TERM
CARE FACILITY. THE PURPOSE OF THE INQUIRY IS TO ENSURE THAT
A CARING ENVIRONMENT IS MAINTAINED AT EACH LONG-TERM CARE
FACILITY. THE DEPARTMENT SHALL ADOPT RULES ESTABLISHING
CRITERIA AND A PROCEDURE FOR CONDUCTING THE INQUIRY.

~~(5)(6)~~ The entire premises of a licensed facility
shall be open to inspection, and access to all records shall
be granted at all reasonable times."

-End-

SECOND READING