

SENATE BILL NO. 446

INTRODUCED BY THOMAS, PAVLOVICH,
WILLIAMS, WINSLOW

BY REQUEST OF THE LEGISLATIVE ADVISORY
COMMITTEE ON SJR 34

IN THE SENATE

February 16, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
February 18, 1983	Fiscal Note requested. Committee recommend bill do pass. Report adopted. Statement of Intent attached.
February 19, 1983	Bill printed and placed on members' desks.
February 21, 1983	Fiscal Note returned.
February 22, 1983	Second reading, do pass. Correctly engrossed.
February 23, 1983	Third reading, passed. Ayes, 49; Noes, 0. Transmitted to House.

IN THE HOUSE

February 28, 1983	Introduced and referred to Committee on Human Services.
March 19, 1983	Committee recommend bill be concurrent in as amended. Report adopted. On motion, taken from committee report and rereferred to Committee on Human Services.

March 22, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 23, 1983	Second reading, Committee of the Whole amendments adopted. Second reading, pass consideration.
March 26, 1983	Second reading, concurred in as amended. Third reading, concurred in.

IN THE SENATE

March 29, 1983	Returned to Senate with amendments.
April 8, 1983	Second reading, pass consideration.
April 11, 1983	Second reading, amendments concurred in.
April 12, 1983	Third reading, amendments concurred in. Ayes, 49; Noes, 0. Sent to enrolling. Reported correctly enrolled.

1 *Senate Bill No. 446*
 2 INTRODUCED BY *Thomas Patrick Williams*
 3 BY REQUEST OF THE LEGISLATIVE ADVISORY
 4 COMMITTEE ON SJR 34
 5

6 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING AND FURTHER
 7 DEFINING THE SERVICES TO BE PROVIDED BY PERSONAL-CARE
 8 FACILITIES; ESTABLISHING RESTRICTIONS ON ELIGIBILITY FOR
 9 RESIDENCY IN SUCH FACILITIES; REQUIRING THAT THE DEPARTMENT
 10 OF HEALTH AND ENVIRONMENTAL SCIENCES ESTABLISH BY RULE
 11 CERTAIN STANDARDS RELATING TO RESIDENT ADMISSION AND
 12 SCREENING; PROVIDING FOR LICENSING OF SUCH FACILITIES;
 13 PROVIDING FOR CIVIL AND CRIMINAL ENFORCEMENT; CLARIFYING THE
 14 DEFINITION OF "ROOMINGHOUSE" OR "RETIREMENT HOME" TO
 15 COMPLETELY EXCLUDE NURSING SERVICES; AMENDING SECTIONS
 16 50-5-101, 50-51-102, AND 50-51-107, MCA."
 17

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

19 NEW SECTION. Section 1. Personal-care facilities --
 20 services to residents. (1) A personal-care facility must
 21 provide the following services to facility residents:

- 22 (a) residential services such as laundry,
 23 housekeeping, food service, and either providing or making
 24 available provision for local transportation;
 25 (b) personal assistance services, such as assistance

- 1 by staff as required by residents in eating, walking,
 2 dressing, grooming, and similar routine living tasks;
 3 (c) recreational activities; and
 4 (d) supervision of self-medication.
 5 (2) Consistent with the provisions of [section 2], a
 6 resident of a personal-care facility may have medical or
 7 nursing-related services performed for him in a
 8 personal-care facility by a third-party provider.
 9 NEW SECTION. Section 2. Placement in personal-care
 10 facilities. (1) A personal-care facility may not have as a
 11 resident a person who is:
 12 (a) in need of medical or physical restraints;
 13 (b) nonambulatory or bedridden;
 14 (c) totally incontinent; or
 15 (d) less than 18 years of age.
 16 (2) The department shall provide by rule:
 17 (a) an application or placement procedure informing a
 18 prospective resident and, if applicable, his physician of:
 19 (i) physical and mental standards for residents of
 20 personal-care facilities;
 21 (ii) requirements for placement in a facility with a
 22 higher standard of care if a resident's condition
 23 deteriorates; and
 24 (iii) the services offered by the facility and services
 25 that a resident may receive from third-party providers while

1 resident in the facility;

2 (b) standards to be used by a facility and, if
3 appropriate, by a screening agency to screen residents and
4 prospective residents to prevent residence by persons
5 prohibited by subsection (1);

6 (c) a method by which the results of any screening
7 decision made pursuant to rules established under subsection
8 (1)(b) may be appealed by the facility operator or by or on
9 behalf of a resident or prospective resident.

10 ~~NEW SECTION.~~ Section 3. Licensing personal-care
11 facilities. (1) The department shall by rule adopt standards
12 for licensing and operation of personal-care facilities to
13 implement the provisions of [sections 1 and 2].

14 (2) The department, in cooperation with other state
15 agencies, shall adopt health and safety standards for
16 various types of personal-care facilities.

17 (3) The department may by rule establish license fees,
18 inspection fees, and fees for patient screening. Such fees
19 must be reasonably related to service costs.

20 ~~NEW SECTION.~~ Section 4. Limited licensing. The
21 department may grant a license that is provisional upon the
22 correction of noncompliance with provisions of [sections 1
23 through 6] or rules adopted pursuant to [sections 1 through
24 6]. A provisional license may be granted only for a specific
25 period of time and may not be renewed.

1 ~~NEW SECTION.~~ Section 5. Life-threatening situations
2 -- immediate license suspension. If the department has
3 reason to believe that a life-threatening situation exists
4 relating to residents of a personal-care facility, whether
5 caused by an act or omission of the facility operator, act
6 of nature, or any other cause, it may immediately suspend
7 the facility's license and require evacuation of the
8 facility. Within 5 days of such suspension, the department
9 shall show cause in the district court of the county in
10 which the facility is located why such suspension should be
11 extended or the license permanently or temporarily revoked.
12 After a hearing, the district court may remove the
13 suspension or, upon finding sufficient cause, may:

14 (1) extend the license suspension until the
15 life-threatening emergency has abated;

16 (2) order a conditional revocation or suspension of
17 the license subject to correction of any life-threatening
18 deficiency by the facility operator; or

19 (3) revoke the facility license.

20 ~~NEW SECTION.~~ Section 6. Enforcement -- denial,
21 suspension, or revocation of license -- criminal and civil
22 penalties -- injunctions. (1) The department may deny,
23 suspend, or revoke a personal-care facility license for
24 failure to meet the minimum standards as set forth in
25 [sections 1 through 6] or applicable health standards

1 established by the department.

2 (2) The department or the county attorney of the
3 county in which the facility is located may, after notice to
4 the facility operator of noncompliance with [section 2(1)]
5 and failure of the operator to correct such noncompliance
6 within a period of time, which may not be less than 10 days,
7 set forth in the notice, petition the district court of the
8 county in which the facility is located for the imposition
9 of a civil penalty not to exceed \$500 per violation. Money
10 collected as a civil penalty must be deposited in the state
11 general fund.

12 (3) The department or the county attorney of the
13 county in which the facility is located may bring an action
14 in the district court of that county to enjoin any violation
15 of a provision of [sections 1 through 6].

16 (4) In addition to all other enforcement measures, a
17 violation of the provisions of [sections 1 through 6] is a
18 misdemeanor, punishable upon conviction as provided in
19 46-18-212.

20 Section 7. Section 50-5-101, MCA, is amended to read:

21 "50-5-101. Definitions. As used in parts 1 through 4
22 of this chapter, unless the context clearly indicates
23 otherwise, the following definitions apply:

24 (1) "Accreditation" means a designation of approval.

25 (2) "Adult day-care center" means a facility,

1 free-standing or connected to another health care facility,
2 which provides adults, on an intermittent basis, with the
3 care necessary to meet the needs of daily living.

4 (3) "Affected persons" means the applicant, members of
5 the public who are to be served by the proposal, health care
6 facilities located in the geographic area affected by the
7 application, agencies which establish rates for health care
8 facilities, and agencies which plan or assist in planning
9 for such facilities, including any agency qualifying as a
10 health systems agency pursuant to Title XV of the Public
11 Health Service Act.

12 (4) "Ambulatory surgical facility" means a facility,
13 not part of a hospital, which provides surgical treatment to
14 patients not requiring hospitalization. This type of
15 facility may include observation beds for patient recovery
16 from surgery or other treatment.

17 (5) "Board" means the board of health and
18 environmental sciences, provided for in 2-15-2104.

19 (6) "Certificate of need" means a written
20 authorization by the department for a person to proceed with
21 a proposal subject to 50-5-301.

22 (7) "Clinical laboratory" means a facility for the
23 microbiological, serological, chemical, hematological,
24 radiobiassay, cytological, immuno-hematological,
25 pathological, or other examination of materials derived from

1 the human body for the purpose of providing information for
2 the diagnosis, prevention, or treatment of any disease or
3 assessment of a medical condition.

4 (6) "College of American pathologists" means the
5 organization nationally recognized by that name with
6 headquarters in Traverse City, Michigan, that surveys
7 clinical laboratories upon their requests and accredits
8 clinical laboratories that it finds meet its standards and
9 requirements.

10 (9) "Construction" means the physical erection of a
11 health care facility and any stage thereof, including ground
12 breaking.

13 (10) "Department" means the department of health and
14 environmental sciences provided for in Title 2, chapter 15,
15 part 21.

16 (11) "Federal acts" means federal statutes for the
17 construction of health care facilities.

18 (12) "Governmental unit" means the state, a state
19 agency, a county, municipality, or political subdivision of
20 the state, or an agency of a political subdivision.

21 (13) "Health care facility" means any institution,
22 building, or agency or portion thereof, private or public,
23 excluding federal facilities, whether organized for profit
24 or not, used, operated, or designed to provide health
25 services, medical treatment, or nursing, rehabilitative, or

1 preventive care to any person or persons. The term does not
2 include offices of private physicians or dentists. The term
3 includes but is not limited to ambulatory surgical
4 facilities, health maintenance organizations, home health
5 agencies, hospitals, infirmaries, kidney treatment centers,
6 long-term care facilities, mental health centers, outpatient
7 facilities, public health centers, rehabilitation
8 facilities, and adult day-care centers.

9 (14) "Health maintenance organization" means a public
10 or private organization organized as defined in 42 U.S.C.
11 300e, as amended.

12 (15) "Home health agency" means a public agency or
13 private organization or subdivision thereof which is engaged
14 in providing home health services to individuals in the
15 places where they live. Home health services must include
16 the services of a licensed registered nurse and at least one
17 other therapeutic service and may include additional support
18 services.

19 (16) "Hospital" means a facility providing, by or under
20 the supervision of licensed physicians, services for medical
21 diagnosis, treatment, rehabilitation, and care of injured,
22 disabled, or sick persons. Services provided may or may not
23 include obstetrical care, emergency care, or any other
24 service as allowed by state licensing authority. A hospital
25 has an organized medical staff which is on call and

1 available within 20 minutes, 24 hours per day, 7 days per
2 week, and provides 24-hour nursing care by licensed
3 registered nurses. This term includes hospitals specializing
4 in providing health services for psychiatric, mentally
5 retarded, and tubercular patients.

6 (17) "Infirmery" means a facility located in a
7 university, college, government institution, or industry for
8 the treatment of the sick or injured, with the following
9 subdefinitions:

10 (a) an "Infirmery--A" provides outpatient and
11 inpatient care;

12 (b) an "Infirmery--B" provides outpatient care only.

13 (18) "Joint commission on accreditation of hospitals"
14 means the organization nationally recognized by that name
15 with headquarters in Chicago, Illinois, that surveys health
16 care facilities upon their requests and grants accreditation
17 status to any health care facility that it finds meets its
18 standards and requirements.

19 (19) "Kidney treatment center" means a facility which
20 specializes in treatment of kidney diseases, including
21 freestanding hemodialysis units.

22 (20) (a) "Long-term care facility" means a facility or
23 part thereof which provides skilled nursing care or
24 intermediate nursing care to a total of two or more persons
25 or personal care to more than three persons who are not

1 related to the owner or administrator by blood or marriage,
2 with these degrees of care defined as follows:

3 (i) "Skilled nursing care" means the provision of
4 nursing care services, health-related services, and social
5 services under the supervision of a licensed registered
6 nurse on a 24-hour basis.

7 (ii) "Intermediate nursing care" means the provision of
8 nursing care services, health-related services, and social
9 services under the supervision of a licensed nurse to
10 patients not requiring 24-hour nursing care.

11 (iii) "Personal care" means the provision of services
12 and care which do not require nursing skills as provided in
13 [sections 1 through 6] to residents needing some assistance
14 in performing the activities of daily living.

15 (b) Hotels, motels, boarding homes, roominghouses, or
16 similar accommodations providing for transients, students,
17 or persons not requiring institutional health care are not
18 long-term care facilities.

19 (21) "Mental health center" means a facility providing
20 services for the prevention or diagnosis of mental illness,
21 the care and treatment of mentally ill patients or the
22 rehabilitation of such persons, or any combination of these
23 services.

24 (22) "New institutional health services" means:

25 (a) the construction, development, or other

1 establishment of a health care facility which did not
2 previously exist;

3 (b) any expenditure by or on behalf of a health care
4 facility within a 12-month period in excess of \$150,000,
5 which, under generally accepted accounting principles
6 consistently applied, is a capital expenditure. Whenever a
7 health care facility or a person on behalf of a health care
8 facility makes an acquisition under lease or comparable
9 arrangement or through donation, which would have required
10 review if the acquisition had been by purchase, such
11 acquisition shall be considered a capital expenditure
12 subject to review.

13 (c) a change in bed capacity of a health care facility
14 which increases or decreases the total number of beds,
15 redistributes beds among various service categories, or
16 relocates such beds from one physical facility or site to
17 another over a 2-year period by more than 10 beds or 10% of
18 the total licensed bed capacity, whichever is less;

19 (d) health services which are offered in or through a
20 health care facility and which were not offered on a regular
21 basis in or through such health care facility within the
22 12-month period prior to the time such services would be
23 offered or the deletion by a health care facility of a
24 service previously offered;

25 (e) the expansion of a geographic service area of a

1 home health agency.

2 (23) "Nonprofit health care facility" means a health
3 care facility owned or operated by one or more nonprofit
4 corporations or associations.

5 (24) "Observation bed" means a bed occupied for not
6 more than 6 hours by a patient recovering from surgery or
7 other treatment.

8 (25) "Offer" means the holding out by a health care
9 facility that it can provide specific health services.

10 (26) "Outpatient facility" means a facility, located in
11 or apart from a hospital, providing, under the direction of
12 a licensed physician, either diagnosis or treatment, or
13 both, to ambulatory patients in need of medical, surgical,
14 or mental care. An outpatient facility may have observation
15 beds.

16 (27) "Patient" means an individual obtaining services,
17 including skilled nursing care, from a health care facility.

18 (28) "Person" means any individual, firm, partnership,
19 association, organization, agency, institution, corporation,
20 trust, estate, or governmental unit, whether organized for
21 profit or not.

22 (29) "Public health center" means a publicly owned
23 facility providing health services, including laboratories,
24 clinics, and administrative offices.

25 (30) "Rehabilitation facility" means a facility which

1 is operated for the primary purpose of assisting in the
2 rehabilitation of disabled persons by providing
3 comprehensive medical evaluations and services,
4 psychological and social services, or vocational evaluation
5 and training or any combination of these services and in
6 which the major portion of the services is furnished within
7 the facility.

8 (31) "Resident" means a person who is in a long-term
9 care facility for intermediate or personal care.

10 (32) "State plan" means the state medical facility plan
11 provided for in part 4."

12 Section 8. Section 50-51-102, MCA, is amended to read:

13 "50-51-102. Definitions. Unless the context requires
14 otherwise, in this chapter the following definitions apply:

15 (1) "Board" means board of health and environmental
16 sciences.

17 (2) "Department" means the department of health and
18 environmental sciences.

19 (3) "Hotel" or "motel" includes a building or
20 structure kept, used, maintained as, advertised as, or held
21 out to the public to be a hotel, motel, inn, motor court,
22 tourist court, public lodging house, or place where sleeping
23 accommodations are furnished for a fee to transient guests,
24 with or without meals.

25 (4) "Person" includes an individual, partnership,

1 corporation, association, county, municipality, cooperative
2 group, or other entity engaged in the business of operating,
3 owning, or offering the services of a hotel, motel, tourist
4 home, retirement home, or roominghouse.

5 (5) "Roominghouse" or "retirement home" means
6 buildings in which separate sleeping rooms are rented
7 providing sleeping accommodations for three or more persons
8 on a weekly, semimonthly, monthly, or permanent basis,
9 whether or not meals or central kitchens are provided but
10 without separated cooking facilities or kitchens within each
11 room, and whose occupants do not need professional nursing
12 services on-a-full-time-basis.

13 (6) "Tourist home" means an establishment or premises
14 where sleeping accommodations are furnished to transient
15 guests for hire or rent on a daily or weekly rental basis in
16 a private home when the accommodations are offered for hire
17 or rent for the use of the traveling public.

18 (7) "Transient guest" means a guest for only a brief
19 stay, such as the traveling public."

20 Section 9. Section 50-51-107, MCA, is amended to read:

21 "50-51-107. Provision of full-time nursing services
22 prohibited. ~~{1}---Hotels---motels---boardinghouses---~~
23 ~~roominghouses---or-similar---accommodations---may---not---provide~~
24 ~~professional---nursing---services---to-residents-on-a-full-time~~
25 ~~basis.~~

1 {2} Whenever a complaint is filed with the department
2 that a person in need of professional nursing services is
3 residing in a roominghouse or other similar accommodation
4 not licensed to provide such service, the department shall
5 investigate and provide--for ~~may require~~ appropriate
6 placement of such person if it is found that professional
7 nursing services are needed."

8 NEW SECTION. Section 10. Codification instruction.
9 Sections 1 through 6 are intended to be codified as an
10 integral part of Title 50, chapter 5, parts 1 through 4, and
11 the provisions of Title 50, chapter 5, parts 1 through 4,
12 apply to sections 1 through 6.

-End-

STATE OF MONTANA

REQUEST NO. 471-83

FISCAL NOTE

Form BD-15

In compliance with a written request received February 18, , 19 83 , there is hereby submitted a Fiscal Note for Senate Bill 446 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

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:

Senate Bill 446 clarifies and further defines the services to be provided by personal-care facilities; establishes restrictions on eligibility for residency in such facilities; requires that the Department of Health and Environmental Sciences establish by rule certain standards relating to resident admission and screening; provides for licensing of such facilities; provides for civil and criminal enforcement; clarifies the definition of "roominghouse" or "retirement home" to completely exclude nursing services; and amends sections 50-5-101, 50-51-102, and 50-51-107, MCA."

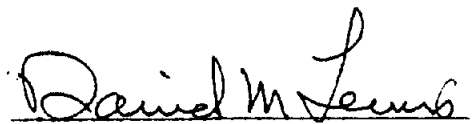
ASSUMPTIONS:

- 1) 30 personal care homes will need to be surveyed each year. This will necessitate the hiring of .5 additional surveyor position.
- 2) Salaries for .5 surveyors - at Grade 14, Step 1 - 1984, and at Grade 14, Step 3 - 1985. Operating expense was based on the average cost per surveyor of existing staff.

FISCAL IMPACT:

	<u>FY84</u>	<u>FY85</u>	<u>TOTAL</u> <u>BIENNIUM</u>
Under Current Law	\$133,900	\$133,900	\$267,800
Under Proposed Law	147,453	148,299	295,752
Increase	<u>\$ 13,553</u>	<u>\$ 14,399</u>	<u>\$ 27,952</u>

FISCAL NOTE 15: T/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-21-83

1 STATEMENT OF INTENT

2 SENATE BILL 446

3 Senate Public Health, Welfare and Safety Committee

4

5 Senate Bill 446 requires a statement of intent because
6 section 3 requires the Department of Health and
7 Environmental Sciences to adopt standards for operation and
8 licensing of personal-care facilities, and license,
9 inspection, and patient screening fees, and in cooperation
10 with other state agencies to adopt health and safety
11 standards for personal-care facilities. It is the intent of
12 the Legislature that when the Department adopts rules to
13 implement provisions of SB 446 that it utilize the report to
14 the 48th Legislature by the Legislative advisory committee
15 on Joint Resolution 34 and that the rules:

16 1. assure that licensees meet applicable fire,
17 sanitation, building, and service standards;

18 2. provide as expeditious a licensing procedure as
19 possible;

20 3. set inspection and patient screening fees that
21 recover but do not exceed the costs of inspection and
22 patient screening; and

23 4. include other state agencies in the development of
24 those rules which fall in their areas of expertise and
25 responsibility.

SECOND READING

SB 446

Approved by Committee
on Public Health, Welfare
& Safety

SENATE BILL NO. 446

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(2) Consistent with the provisions of [section 2], a
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prospective resident and, if applicable, his physician of:

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higher standard of care if a resident's condition
deteriorates; and

(iii) the services offered by the facility and services

that a resident may receive from third-party providers while resident in the facility;

(b) standards to be used by a facility and, if appropriate, by a screening agency to screen residents and prospective residents to prevent residence by persons prohibited by subsection (1);

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(1) extend the license suspension until the life-threatening emergency has abated;

(2) order a conditional revocation or suspension of the license subject to correction of any life-threatening deficiency by the facility operator; or

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1 [sections 1 through 6] or applicable health standards
2 established by the department.

3 (2) The department or the county attorney of the
4 county in which the facility is located may, after notice to
5 the facility operator of noncompliance with [section 2(1)]
6 and failure of the operator to correct such noncompliance
7 within a period of time, which may not be less than 10 days,
8 set forth in the notice, petition the district court of the
9 county in which the facility is located for the imposition
10 of a civil penalty not to exceed \$500 per violation. Money
11 collected as a civil penalty must be deposited in the state
12 general fund.

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14 county in which the facility is located may bring an action
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6 organization nationally recognized by that name with
7 headquarters in Traverse City, Michigan, that surveys
8 clinical laboratories upon their requests and accredits
9 clinical laboratories that it finds meet its standards and
10 requirements.

11 (9) "Construction" means the physical erection of a
12 health care facility and any stage thereof, including ground
13 breaking.

14 (10) "Department" means the department of health and
15 environmental sciences provided for in Title 2, chapter 15,
16 part 21.

17 (11) "Federal acts" means federal statutes for the
18 construction of health care facilities.

19 (12) "Governmental unit" means the state, a state
20 agency, a county, municipality, or political subdivision of
21 the state, or an agency of a political subdivision.

22 (13) "Health care facility" means any institution,
23 building, or agency or portion thereof, private or public,
24 excluding federal facilities, whether organized for profit
25 or not, used, operated, or designed to provide health

1 services, medical treatment, or nursing, rehabilitative, or
2 preventive care to any person or persons. The term does not
3 include offices of private physicians or dentists. The term
4 includes but is not limited to ambulatory surgical
5 facilities, health maintenance organizations, home health
6 agencies, hospitals, infirmaries, kidney treatment centers,
7 long-term care facilities, mental health centers, outpatient
8 facilities, public health centers, rehabilitation
9 facilities, and adult day-care centers.

10 (14) "Health maintenance organization" means a public
11 or private organization organized as defined in 42 U.S.C.
12 300e, as amended.

13 (15) "Home health agency" means a public agency or
14 private organization or subdivision thereof which is engaged
15 in providing home health services to individuals in the
16 places where they live. Home health services must include
17 the services of a licensed registered nurse and at least one
18 other therapeutic service and may include additional support
19 services.

20 (16) "Hospital" means a facility providing, by or under
21 the supervision of licensed physicians, services for medical
22 diagnosis, treatment, rehabilitation, and care of injured,
23 disabled, or sick persons. Services provided may or may not
24 include obstetrical care, emergency care, or any other
25 service as allowed by state licensing authority. A hospital

has an organized medical staff which is on call and available within 20 minutes, 24 hours per day, 7 days per week, and provides 24-hour nursing care by licensed registered nurses. This term includes hospitals specializing in providing health services for psychiatric, mentally retarded, and tubercular patients.

(17) "Infirmity" means a facility located in a university, college, government institution, or industry for the treatment of the sick or injured, with the following subdefinitions:

(a) an "infirmity--A" provides outpatient and inpatient care;

(b) an "infirmity--B" provides outpatient care only.

(18) "Joint commission on accreditation of hospitals" means the organization nationally recognized by that name with headquarters in Chicago, Illinois, that surveys health care facilities upon their requests and grants accreditation status to any health care facility that it finds meets its standards and requirements.

(19) "Kidney treatment center" means a facility which specializes in treatment of kidney diseases, including freestanding hemodialysis units.

(20) (a) "Long-term care facility" means a facility or part thereof which provides skilled nursing care or intermediate nursing care to a total of two or more persons

or personal care to more than three persons who are not related to the owner or administrator by blood or marriage, with these degrees of care defined as follows:

(i) "Skilled nursing care" means the provision of nursing care services, health-related services, and social services under the supervision of a licensed registered nurse on a 24-hour basis.

(ii) "Intermediate nursing care" means the provision of nursing care services, health-related services, and social services under the supervision of a licensed nurse to patients not requiring 24-hour nursing care.

(iii) "Personal care" means the provision of services and care ~~which do not require nursing skills as provided in~~ sections 1 through 6 to residents needing some assistance in performing the activities of daily living.

(b) Hotels, motels, boarding homes, roominghouses, or similar accommodations providing for transients, students, or persons not requiring institutional health care are not long-term care facilities.

(21) "Mental health center" means a facility providing services for the prevention or diagnosis of mental illness, the care and treatment of mentally ill patients or the rehabilitation of such persons, or any combination of these services.

(22) "New institutional health services" means:

(a) the construction, development, or other establishment of a health care facility which did not previously exist;

(b) any expenditure by or on behalf of a health care facility within a 12-month period in excess of \$150,000, which, under generally accepted accounting principles consistently applied, is a capital expenditure. Whenever a health care facility or a person on behalf of a health care facility makes an acquisition under lease or comparable arrangement or through donation, which would have required review if the acquisition had been by purchase, such acquisition shall be considered a capital expenditure subject to review.

(c) a change in bed capacity of a health care facility which increases or decreases the total number of beds, redistributes beds among various service categories, or relocates such beds from one physical facility or site to another over a 2-year period by more than 10 beds or 10% of the total licensed bed capacity, whichever is less;

(d) health services which are offered in or through a health care facility and which were not offered on a regular basis in or through such health care facility within the 12-month period prior to the time such services would be offered or the deletion by a health care facility of a service previously offered;

(a) the expansion of a geographic service area of a home health agency.

(23) "Nonprofit health care facility" means a health care facility owned or operated by one or more nonprofit corporations or associations.

(24) "Observation bed" means a bed occupied for not more than 6 hours by a patient recovering from surgery or other treatment.

(25) "Offer" means the holding out by a health care facility that it can provide specific health services.

(26) "Outpatient facility" means a facility, located in or apart from a hospital, providing, under the direction of a licensed physician, either diagnosis or treatment, or both, to ambulatory patients in need of medical, surgical, or mental care. An outpatient facility may have observation beds.

(27) "Patient" means an individual obtaining services, including skilled nursing care, from a health care facility.

(28) "Person" means any individual, firm, partnership, association, organization, agency, institution, corporation, trust, estate, or governmental unit, whether organized for profit or not.

(29) "Public health center" means a publicly owned facility providing health services, including laboratories, clinics, and administrative offices.

(30) "Rehabilitation facility" means a facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons by providing comprehensive medical evaluations and services, psychological and social services, or vocational evaluation and training or any combination of these services and in which the major portion of the services is furnished within the facility.

(31) "Resident" means a person who is in a long-term care facility for intermediate or personal care.

(32) "State plan" means the state medical facility plan provided for in part 4."

Section 8. Section 50-51-102, MCA, is amended to read:

"50-51-102. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Board" means board of health and environmental sciences.

(2) "Department" means the department of health and environmental sciences.

(3) "Hotel" or "motel" includes a building or structure kept, used, maintained as, advertised as, or held out to the public to be a hotel, motel, inn, motor court, tourist court, public lodging house, or place where sleeping accommodations are furnished for a fee to transient guests, with or without meals.

(4) "Person" includes an individual, partnership, corporation, association, county, municipality, cooperative group, or other entity engaged in the business of operating, owning, or offering the services of a hotel, motel, tourist home, retirement home, or roominghouse.

(5) "Roominghouse" or "retirement home" means buildings in which separate sleeping rooms are rented providing sleeping accommodations for three or more persons on a weekly, semimonthly, monthly, or permanent basis, whether or not meals or central kitchens are provided but without separated cooking facilities or kitchens within each room, and whose occupants do not need professional nursing services on-a-full-time-basis.

(6) "Tourist home" means an establishment or premises where sleeping accommodations are furnished to transient guests for hire or rent on a daily or weekly rental basis in a private home when the accommodations are offered for hire or rent for the use of the traveling public.

(7) "Transient guest" means a guest for only a brief stay, such as the traveling public."

Section 9. Section 50-51-107, MCA, is amended to read:

"50-51-107. Provision of full-time nursing services prohibited. ~~(1)---Hotels, motels, boardinghouses, roominghouses, or similar accommodations may not provide professional nursing services to residents on-a-full-time~~

1 basis

2 {2} Whenever a complaint is filed with the department
3 that a person in need of professional nursing services is
4 residing in a roominghouse or other similar accommodation
5 not licensed to provide such service, the department shall
6 investigate and provide--for may---require appropriate
7 placement of such person if it is found that professional
8 nursing services are needed."

9 NEW SECTION. Section 10. Codification instruction.
10 Sections 1 through 6 are intended to be codified as an
11 integral part of Title 50, chapter 5, parts 1 through 4, and
12 the provisions of Title 50, chapter 5, parts 1 through 4,
13 apply to sections 1 through 6.

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 446

3 Senate Public Health, Welfare and Safety Committee

4
5 Senate Bill 446 requires a statement of Intent because
6 section 3 requires the Department of Health and
7 Environmental Sciences to adopt standards for operation and
8 licensing of personal-care facilities, and license,
9 inspection, and patient screening fees, and in cooperation
10 with other state agencies to adopt health and safety
11 standards for personal-care facilities. It is the intent of
12 the Legislature that when the Department adopts rules to
13 implement provisions of SB 446 that it utilize the report to
14 the 48th Legislature by the Legislative advisory committee
15 on Joint Resolution 34 and that the rules:

16 1. assure that licensees meet applicable fire,
17 sanitation, building, and service standards;

18 2. provide as expeditious a licensing procedure as
19 possible;

20 3. set inspection and patient screening fees that
21 recover but do not exceed the costs of inspection and
22 patient screening; and

23 4. include other state agencies in the development of
24 those rules which fall in their areas of expertise and
25 responsibility.

THIRD READING
SB 446

SENATE BILL NO. 446

INTRODUCED BY THOMAS, PAVLOVICH,

WILLIAMS, WINSLOW

BY REQUEST OF THE LEGISLATIVE ADVISORY

COMMITTEE ON SJR 34

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING AND FURTHER
DEFINING THE SERVICES TO BE PROVIDED BY PERSONAL-CARE
FACILITIES; ESTABLISHING RESTRICTIONS ON ELIGIBILITY FOR
RESIDENCY IN SUCH FACILITIES; REQUIRING THAT THE DEPARTMENT
OF HEALTH AND ENVIRONMENTAL SCIENCES ESTABLISH BY RULE
CERTAIN STANDARDS RELATING TO RESIDENT ADMISSION AND
SCREENING; PROVIDING FOR LICENSING OF SUCH FACILITIES;
PROVIDING FOR CIVIL AND CRIMINAL ENFORCEMENT; CLARIFYING THE
DEFINITION OF "ROOMINGHOUSE" OR "RETIREMENT HOME" TO
COMPLETELY EXCLUDE NURSING SERVICES; AMENDING SECTIONS
50-5-101, 50-51-102, AND 50-51-107, MCA."

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

NEW SECTION. Section 1. Personal-care facilities --
services to residents. (1) A personal-care facility must
provide the following services to facility residents:

(a) residential services such as laundry,
housekeeping, food service, and either providing or making
available provision for local transportation;

(b) personal assistance services, such as assistance
by staff as required by residents in eating, walking,
dressing, grooming, and similar routine living tasks;

(c) recreational activities; and

(d) supervision of self-medication.

(2) Consistent with the provisions of [section 2], a
resident of a personal-care facility may have medical or
nursing-related services performed for him in a
personal-care facility by a third-party provider.

NEW SECTION. Section 2. Placement in personal-care
facilities. (1) A personal-care facility may not have as a
resident a person who is:

(a) in need of medical or physical restraints;

(b) nonambulatory or bedridden;

(c) totally incontinent; or

(d) less than 18 years of age.

(2) The department shall provide by rule:

(a) an application or placement procedure informing a
prospective resident and, if applicable, his physician of:

(i) physical and mental standards for residents of
personal-care facilities;

(ii) requirements for placement in a facility with a
higher standard of care if a resident's condition
deteriorates; and

(iii) the services offered by the facility and services

1 that a resident may receive from third-party providers while
2 resident in the facility;

3 (b) standards to be used by a facility and, if
4 appropriate, by a screening agency to screen residents and
5 prospective residents to prevent residence by persons
6 prohibited by subsection (1);

7 (c) a method by which the results of any screening
8 decision made pursuant to rules established under subsection
9 (1)(b) may be appealed by the facility operator or by or on
10 behalf of a resident or prospective resident.

11 NEW SECTION. Section 3. Licensing personal-care
12 facilities. (1) The department shall by rule adopt standards
13 for licensing and operation of personal-care facilities to
14 implement the provisions of [sections 1 and 2].

15 (2) The department, in cooperation with other state
16 agencies, shall adopt health and safety standards for
17 various types of personal-care facilities.

18 (3) The department may by rule establish license fees,
19 inspection fees, and fees for patient screening. Such fees
20 must be reasonably related to service costs.

21 NEW SECTION. Section 4. Limited licensing. The
22 department may grant a license that is provisional upon the
23 correction of noncompliance with provisions of [sections 1
24 through 6] or rules adopted pursuant to [sections 1 through
25 6]. A provisional license may be granted only for a specific

1 period of time and may not be renewed.

2 NEW SECTION. Section 5. Life-threatening situations
3 -- immediate license suspension. If the department has
4 reason to believe that a life-threatening situation exists
5 relating to residents of a personal-care facility, whether
6 caused by an act or omission of the facility operator, act
7 of nature, or any other cause, it may immediately suspend
8 the facility's license and require evacuation of the
9 facility. Within 5 days of such suspension, the department
10 shall show cause in the district court of the county in
11 which the facility is located why such suspension should be
12 extended or the license permanently or temporarily revoked.
13 After a hearing, the district court may remove the
14 suspension or, upon finding sufficient cause, may:

15 (1) extend the license suspension until the
16 life-threatening emergency has abated;

17 (2) order a conditional revocation or suspension of
18 the license subject to correction of any life-threatening
19 deficiency by the facility operator; or

20 (3) revoke the facility license.

21 NEW SECTION. Section 6. Enforcement -- denial,
22 suspension, or revocation of license -- criminal and civil
23 penalties -- injunctions. (1) The department may deny,
24 suspend, or revoke a personal-care facility license for
25 failure to meet the minimum standards as set forth in

[sections 1 through 6] or applicable health standards established by the department.

(2) The department or the county attorney of the county in which the facility is located may, after notice to the facility operator of noncompliance with [section 2(1)] and failure of the operator to correct such noncompliance within a period of time, which may not be less than 10 days, set forth in the notice, petition the district court of the county in which the facility is located for the imposition of a civil penalty not to exceed \$500 per violation. Money collected as a civil penalty must be deposited in the state general fund.

(3) The department or the county attorney of the county in which the facility is located may bring an action in the district court of that county to enjoin any violation of a provision of [sections 1 through 6].

(4) In addition to all other enforcement measures, a violation of the provisions of [sections 1 through 6] is a misdemeanor, punishable upon conviction as provided in 46-18-212.

Section 7. Section 50-5-101, MCA, is amended to read:

"50-5-101. Definitions. As used in parts 1 through 4 of this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Accreditation" means a designation of approval.

(2) "Adult day-care center" means a facility, free-standing or connected to another health care facility, which provides adults, on an intermittent basis, with the care necessary to meet the needs of daily living.

(3) "Affected persons" means the applicant, members of the public who are to be served by the proposal, health care facilities located in the geographic area affected by the application, agencies which establish rates for health care facilities, and agencies which plan or assist in planning for such facilities, including any agency qualifying as a health systems agency pursuant to Title XV of the Public Health Service Act.

(4) "Ambulatory surgical facility" means a facility, not part of a hospital, which provides surgical treatment to patients not requiring hospitalization. This type of facility may include observation beds for patient recovery from surgery or other treatment.

(5) "Board" means the board of health and environmental sciences, provided for in 2-15-2104.

(6) "Certificate of need" means a written authorization by the department for a person to proceed with a proposal subject to 50-5-301.

(7) "Clinical laboratory" means a facility for the microbiological, serological, chemical, hematological, radioassay, cytological, immunohematological,

1 pathological, or other examination of materials derived from
2 the human body for the purpose of providing information for
3 the diagnosis, prevention, or treatment of any disease or
4 assessment of a medical condition.

5 (8) "College of American pathologists" means the
6 organization nationally recognized by that name with
7 headquarters in Traverse City, Michigan, that surveys
8 clinical laboratories upon their requests and accredits
9 clinical laboratories that it finds meet its standards and
10 requirements.

11 (9) "Construction" means the physical erection of a
12 health care facility and any stage thereof, including ground
13 breaking.

14 (10) "Department" means the department of health and
15 environmental sciences provided for in Title 2, chapter 15,
16 part 21.

17 (11) "Federal acts" means federal statutes for the
18 construction of health care facilities.

19 (12) "Governmental unit" means the state, a state
20 agency, a county, municipality, or political subdivision of
21 the state, or an agency of a political subdivision.

22 (13) "Health care facility" means any institution,
23 building, or agency or portion thereof, private or public,
24 excluding federal facilities, whether organized for profit
25 or not, used, operated, or designed to provide health

1 services, medical treatment, or nursing, rehabilitative, or
2 preventive care to any person or persons. The term does not
3 include offices of private physicians or dentists. The term
4 includes but is not limited to ambulatory surgical
5 facilities, health maintenance organizations, home health
6 agencies, hospitals, infirmaries, kidney treatment centers,
7 long-term care facilities, mental health centers, outpatient
8 facilities, public health centers, rehabilitation
9 facilities, and adult day-care centers.

10 (14) "Health maintenance organization" means a public
11 or private organization organized as defined in 42 U.S.C.
12 300e, as amended.

13 (15) "Home health agency" means a public agency or
14 private organization or subdivision thereof which is engaged
15 in providing home health services to individuals in the
16 places where they live. Home health services must include
17 the services of a licensed registered nurse and at least one
18 other therapeutic service and may include additional support
19 services.

20 (16) "Hospital" means a facility providing, by or under
21 the supervision of licensed physicians, services for medical
22 diagnosis, treatment, rehabilitation, and care of injured,
23 disabled, or sick persons. Services provided may or may not
24 include obstetrical care, emergency care, or any other
25 service as allowed by state licensing authority. A hospital

1 has an organized medical staff which is on call and
 2 available within 20 minutes, 24 hours per day, 7 days per
 3 week, and provides 24-hour nursing care by licensed
 4 registered nurses. This term includes hospitals specializing
 5 in providing health services for psychiatric, mentally
 6 retarded, and tubercular patients.

7 (17) "Infirmity" means a facility located in a
 8 university, college, government institution, or industry for
 9 the treatment of the sick or injured, with the following
 10 subdefinitions:

11 (a) an "infirmity--A" provides outpatient and
 12 inpatient care;

13 (b) an "infirmity--B" provides outpatient care only.

14 (18) "Joint commission on accreditation of hospitals"
 15 means the organization nationally recognized by that name
 16 with headquarters in Chicago, Illinois, that surveys health
 17 care facilities upon their requests and grants accreditation
 18 status to any health care facility that it finds meets its
 19 standards and requirements.

20 (19) "Kidney treatment center" means a facility which
 21 specializes in treatment of kidney diseases, including
 22 freestanding hemodialysis units.

23 (20) (a) "Long-term care facility" means a facility or
 24 part thereof which provides skilled nursing care or
 25 intermediate nursing care to a total of two or more persons

1 or personal care to more than three persons who are not
 2 related to the owner or administrator by blood or marriage,
 3 with these degrees of care defined as follows:

4 (i) "Skilled nursing care" means the provision of
 5 nursing care services, health-related services, and social
 6 services under the supervision of a licensed registered
 7 nurse on a 24-hour basis.

8 (ii) "Intermediate nursing care" means the provision of
 9 nursing care services, health-related services, and social
 10 services under the supervision of a licensed nurse to
 11 patients not requiring 24-hour nursing care.

12 (iii) "Personal care" means the provision of services
 13 and care ~~which do not require nursing skills~~ as provided in
 14 [sections 1 through 6] to residents needing some assistance
 15 in performing the activities of daily living.

16 (b) Hotels, motels, boarding homes, roominghouses, or
 17 similar accommodations providing for transients, students,
 18 or persons not requiring institutional health care are not
 19 long-term care facilities.

20 (21) "Mental health center" means a facility providing
 21 services for the prevention or diagnosis of mental illness,
 22 the care and treatment of mentally ill patients or the
 23 rehabilitation of such persons, or any combination of these
 24 services.

25 (22) "New institutional health services" means:

1 (a) the construction, development, or other
2 establishment of a health care facility which did not
3 previously exist;

4 (b) any expenditure by or on behalf of a health care
5 facility within a 12-month period in excess of \$150,000,
6 which, under generally accepted accounting principles
7 consistently applied, is a capital expenditure. Whenever a
8 health care facility or a person on behalf of a health care
9 facility makes an acquisition under lease or comparable
10 arrangement or through donation, which would have required
11 review if the acquisition had been by purchase, such
12 acquisition shall be considered a capital expenditure
13 subject to review.

14 (c) a change in bed capacity of a health care facility
15 which increases or decreases the total number of beds,
16 redistributes beds among various service categories, or
17 relocates such beds from one physical facility or site to
18 another over a 2-year period by more than 10 beds or 10% of
19 the total licensed bed capacity, whichever is less;

20 (d) health services which are offered in or through a
21 health care facility and which were not offered on a regular
22 basis in or through such health care facility within the
23 12-month period prior to the time such services would be
24 offered or the deletion by a health care facility of a
25 service previously offered;

1 (e) the expansion of a geographic service area of a
2 home health agency.

3 (23) "Nonprofit health care facility" means a health
4 care facility owned or operated by one or more nonprofit
5 corporations or associations.

6 (24) "Observation bed" means a bed occupied for not
7 more than 6 hours by a patient recovering from surgery or
8 other treatment.

9 (25) "Offer" means the holding out by a health care
10 facility that it can provide specific health services.

11 (26) "Outpatient facility" means a facility, located in
12 or apart from a hospital, providing, under the direction of
13 a licensed physician, either diagnosis or treatment, or
14 both, to ambulatory patients in need of medical, surgical,
15 or mental care. An outpatient facility may have observation
16 beds.

17 (27) "Patient" means an individual obtaining services,
18 including skilled nursing care, from a health care facility.

19 (28) "Person" means any individual, firm, partnership,
20 association, organization, agency, institution, corporation,
21 trust, estate, or governmental unit, whether organized for
22 profit or not.

23 (29) "Public health center" means a publicly owned
24 facility providing health services, including laboratories,
25 clinics, and administrative offices.

(30) "Rehabilitation facility" means a facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons by providing comprehensive medical evaluations and services, psychological and social services, or vocational evaluation and training or any combination of these services and in which the major portion of the services is furnished within the facility.

(31) "Resident" means a person who is in a long-term care facility for intermediate or personal care.

(32) "State plan" means the state medical facility plan provided for in part 4."

Section 8. Section 50-51-102, MCA, is amended to read:

"50-51-102. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Board" means board of health and environmental sciences.

(2) "Department" means the department of health and environmental sciences.

(3) "Hotel" or "motel" includes a building or structure kept, used, maintained as, advertised as, or held out to the public to be a hotel, motel, inn, motor court, tourist court, public lodging house, or place where sleeping accommodations are furnished for a fee to transient guests, with or without meals.

(4) "Person" includes an individual, partnership, corporation, association, county, municipality, cooperative group, or other entity engaged in the business of operating, owning, or offering the services of a hotel, motel, tourist home, retirement home, or roominghouse.

(5) "Roominghouse" or "retirement home" means buildings in which separate sleeping rooms are rented providing sleeping accommodations for three or more persons on a weekly, semimonthly, monthly, or permanent basis, whether or not meals or central kitchens are provided but without separated cooking facilities or kitchens within each room, and whose occupants do not need professional nursing services on-a-full-time-basis.

(6) "Tourist home" means an establishment or premises where sleeping accommodations are furnished to transient guests for hire or rent on a daily or weekly rental basis in a private home when the accommodations are offered for hire or rent for the use of the traveling public.

(7) "Transient guest" means a guest for only a brief stay, such as the traveling public."

Section 9. Section 50-51-107, MCA, is amended to read:

"50-51-107. Provision of full-time nursing services prohibited. ~~(1)---Hotels, motels, boardinghouses, roominghouses, or similar accommodations may not provide professional nursing services to residents on a full-time~~

1 basis

2 (2) Whenever a complaint is filed with the department
3 that a person in need of professional nursing services is
4 residing in a roominghouse or other similar accommodation
5 not licensed to provide such service, the department shall
6 investigate and provide--for ~~may~~ require appropriate
7 placement of such person if it is found that professional
8 nursing services are needed."

9 ~~NEW SECTION.~~ Section 10. Codification instruction.
10 Sections 1 through 6 are intended to be codified as an
11 integral part of Title 50, chapter 5, parts 1 through 4, and
12 the provisions of Title 50, chapter 5, parts 1 through 4,
13 apply to sections 1 through 6.

-End-

AMENDMENTS TO SENATE BILL 446

March 18, 1983

Third reading copy (blue)

BE AMENDED AS FOLLOWS:

1. Statement of Intent

Page 1, line 9.

Following: "fees"

Strike: ", and in cooperation with other state agencies to
adopt health and safety standards for personal-
care facilities"

2. Statement of Intent

Page 1, line 25.

Following: "responsibility."

Insert: "While SB 446 prohibits direct provision of
nursing services by the personal care or roominghouse/
retirement home licensee, there is no intention to
prevent those services from being delivered by any
provider legally authorized to do so."

3. Page 1, lines 15 and 16.

Following: " "RETIREMENT HOME" "

Strike: "TO COMPLETELY EXCLUDE NURSING SERVICES"

4. Page 2, line 6.

Following: "(2)"

Insert: "(a)"

Following: "2]"

Insert: "and subsection (2)(b)"

5. Page 2.

Following: line 9.

Insert: "(b) Subsection (1)(a) applies only if the resident
is a recipient of medical services, as provided under
53-6-111, and delivered by a home health agency, as
defined in 50-5-101 or who is a recipient of medical
assistance as provided under 53-6-111 [and HB 424]."

6. Page 2, line 17.

Following: "shall"

Insert: ", in consultation with the department of social
and rehabilitation services,"

7. Page 3, line 12.

Following: "shall"

Insert: ", in consultation with the department of social and
rehabilitation services,"

8. Page 3, line 15.

Strike: "(2) The department, in cooperation with other
state agencies, shall adopt health and safety standards
for various types of personal-care facilities."

Re-number: subsequent subsection

9. Page 10, line 1.

Following: "than"

Strike: "three"

Insert: "four"

10. Page 10, line 13

Following: "~~skills~~"

Strike: "as provided in [sections 1 through 6]"

Insert: "which do not require nursing skills"

11. Page 14, line 6.

Following: " "Roominghouse" "

Insert: " "Boardinghouse" "

12. Page 14, line 13.

Following: line 12

Strike: "services"

Insert: "or personal care services provided by the facility"

13. Page 14, line 23.

Following: line 22

Strike: "prohibited"

Insert: "or personal care services by the facility prohibited.
(1) Hotels, motels, boardinghouses, roominghouses,
or similar accommodations may not provide professional
nursing services or personal care services. A
resident of a hotel, motel, boardinghouse, rooming-
house, or similar accommodation may have personal
care, medical or nursing-related services provided
for him in such facility by a third-party provider "

14. Page 15. line 2.

Following: "{2}"

Insert: "(2)"

15. Page 15. line 6.

Following: "appropriate"

Insert: "care or"

16. Page 15, line 9.

Following: line 8

Insert: "Section 10. Coordination instruction. If House
Bill 424 is not passed and approved, the bracketed
reference to HB 424 in section 1 is stricken."

Renumber: subsequent section

AND AS AMENDED
BE CONCURRED IN

AMENDMENTS TO SENATE BILL 446

March 21, 1983

Third reading copy (blue) with Human Services amends. of March 18, 1983

BE AMENDED AS FOLLOWS:

1) Strike Human Services Committee amendments of March 18, 1983

1. Statement of Intent

Page 1, line 9.

Following: "fees"

Strike: ", and in cooperation with other state agencies to
adopt health and safety standards for personal-
care facilities"

2. Statement of Intent

Page 1, line 25.

Following: "responsibility."

Insert: "While SB 446 prohibits direct provision of
nursing services by the personal care or roominghouse/
retirement home licensee, there is no intent to
prevent those services from being delivered by any
provider legally authorized to do so, consistent
with the provisions of this act."

3. Page 1, lines 15 and 16.

Following: " "RETIREMENT HOME" "

Strike: "TO COMPLETELY EXCLUDE NURSING SERVICES"

4. Page 2, line 17.

Following: "shall"

Insert: ", in consultation with the department of social
and rehabilitation services,"

5. Page 3, line 12.

Following: "shall"

Insert: ", in consultation with the department of social
and rehabilitation services,"

6. Page 3, line 15.

Strike: "(2) The department, in cooperation with other state
agencies, shall adopt health and safety standards
for various types of personal-care facilities."

Renumber: subsequent subsection

7. Page 10, line 1.

Following: "than"

Strike: "three"

Insert: "four"

8. Page 10, line 13.

Following: "~~skills~~"Strike: "as provided in [sections 1 through 6]"

Insert: "which do not require nursing skills"

9. Page 14, line 6.

Following: " "Roominghouse" "

Insert: " "Boardinghouse" "

10. Page 14, line 13.

Following: line 12

Strike: "services"

Insert: "or personal care services provided by the facility"

11. Page 14, line 23.

Following: line 22

Strike: "prohibited"

Insert: "or personal care services by the facility prohibited.

(1) Hotels, motels, boardinghouses, roominghouses, or similar accommodations may not provide professional nursing services or personal care services. A resident of a hotel, motel, boardinghouse, roominghouse, or similar accommodation may have personal care, medical or nursing-related services provided for him in such facility by a third-party provider"

12. Page 15, line 2.

Following: "{2}"

Insert: "(2)"

13. Page 15, line 6.

Following: "appropriate"

Insert: "care or"

14. Page 15, line 9.

Following: line 8

Insert: "Section 10. Coordination instruction. If House Bill 424 is not passed and approved, the bracketed reference to HB 424 in section 1 is stricken."

Renumber: subsequent section

AND AS AMENDED
BE CONCURRED IN

March 23, 1983

HOUSE COMMITTEE OF THE WHOLE AMENDMENTS TO SENATE BILL 446,
THIRD READING COPY (BLUE)

1) Page 1, line 21

Following: "residents."

Strike: "(1)"

2) Page 1, line 23

Following: line 22

Strike: "(a)"

Insert: "(1)"

Renumber: subsequent subsections accordingly

3) Page 2, lines 6 through 9

Strike: lines 6 through 9 in their entirety

ADOPT

1 STATEMENT OF INTENT

2 SENATE BILL 446

3 Senate Public Health, Welfare and Safety Committee

4
5 Senate Bill 446 requires a statement of intent because
6 section 3 requires the Department of Health and
7 Environmental Sciences to adopt standards for operation and
8 licensing of personal-care facilities, and license,
9 inspection, and patient screening fees; and in cooperation
10 with other state agencies to adopt health and safety
11 standards for personal-care facilities; and in cooperation
12 with other state agencies to adopt health and safety
13 standards for personal-care facilities. It is the intent of
14 the Legislature that when the Department adopts rules to
15 implement provisions of SB 446 that it utilize the report to
16 the 48th Legislature by the Legislative advisory committee
17 on Joint Resolution 34 and that the rules:

18 1. assure that licensees meet applicable fire,
19 sanitation, building, and service standards;

20 2. provide as expeditious a licensing procedure as
21 possible;

22 3. set inspection and patient screening fees that
23 recover but do not exceed the costs of inspection and
24 patient screening; and

25 4. include other state agencies in the development of

1 those rules which fall in their areas of expertise and
2 responsibility. ~~WHILE SB 446 PROHIBITS DIRECT PROVISION OF~~
3 ~~NURSING SERVICES BY THE PERSONAL-CARE OR~~
4 ~~ROOMINGHOUSE/RETIREMENT HOME LICENSEE, THERE IS NO INTENTION~~
5 ~~TO PREVENT THOSE SERVICES FROM BEING DELIVERED BY ANY~~
6 ~~PROVIDER LEGALLY AUTHORIZED TO DO SO, WHILE SB 446 PROHIBITS~~
7 ~~DIRECT PROVISION OF NURSING SERVICES BY THE PERSONAL-CARE OR~~
8 ~~ROOMINGHOUSE/RETIREMENT HOME LICENSEE, THERE IS NO INTENT TO~~
9 ~~PREVENT THOSE SERVICES FROM BEING DELIVERED BY ANY PROVIDER~~
10 ~~LEGALLY AUTHORIZED TO DO SO, CONSISTENT WITH THE PROVISIONS~~
11 ~~OF THIS ACT.~~

REFERENCE BILL

SENATE BILL NO. 446

INTRODUCED BY THOMAS, PAVLOVICH,

WILLIAMS, MINSLOW

BY REQUEST OF THE LEGISLATIVE ADVISORY

COMMITTEE ON SJR 34

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING AND FURTHER
DEFINING THE SERVICES TO BE PROVIDED BY PERSONAL-CARE
FACILITIES; ESTABLISHING RESTRICTIONS ON ELIGIBILITY FOR
RESIDENCY IN SUCH FACILITIES; REQUIRING THAT THE DEPARTMENT
OF HEALTH AND ENVIRONMENTAL SCIENCES ESTABLISH BY RULE
CERTAIN STANDARDS RELATING TO RESIDENT ADMISSION AND
SCREENING; PROVIDING FOR LICENSING OF SUCH FACILITIES;
PROVIDING FOR CIVIL AND CRIMINAL ENFORCEMENT; CLARIFYING THE
DEFINITION OF "ROOMINGHOUSE" OR "RETIREMENT HOME" TO
COMPLETELY EXCLUDE NURSING SERVICES TO COMPLETELY EXCLUDE
NURSING SERVICES; AMENDING SECTIONS 50-5-101, 50-51-102, AND
50-51-107, MCA."

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

NEW SECTION. Section 1. Personal-care facilities --
services to residents. ~~††~~ A personal-care facility must
provide the following services to facility residents:

~~††~~(1) residential services such as laundry,
housekeeping, food service, and either providing or making

available provision for local transportation;

~~††~~(2) personal assistance services, such as
assistance by staff as required by residents in eating,
walking, dressing, grooming, and similar routine living
tasks;

~~††~~(3) recreational activities; and

~~††~~(4) supervision of self-medication.

~~††~~ Consistent with the provisions of {section--2}
~~AND--SUBSECTION--††††--a--resident--of--a--personal-care~~
~~facility--may--have--medical--or--nursing-related--services~~
~~performed--for--him--in--a--personal-care--facility--by--a~~
~~third-party-provider.~~

~~††~~ SUBSECTION ~~††††~~ APPLIES ONLY IF THE RESIDENT IS
~~A RECIPIENT OF MEDICAL SERVICES, AS PROVIDED UNDER 52-6-111,~~
~~AND DELIVERED BY A HOME HEALTH AGENCY, AS DEFINED IN~~
~~50-5-101 OR WHO IS A RECIPIENT OF MEDICAL ASSISTANCE AS~~
~~PROVIDED UNDER 52-6-111 (AND HB 424).~~

NEW SECTION. Section 2. Placement in personal-care
facilities. (1) A personal-care facility may not have as a
resident a person who is:

- (a) in need of medical or physical restraints;
- (b) nonambulatory or bedridden;
- (c) totally incontinent; or
- (d) less than 18 years of age.

(2) The department shall ~~IN CONSULTATION WITH THE~~

1 ~~DEPARTMENT--OF--SOCIAL--AND--REHABILITATION--SERVICES., IN~~
 2 ~~CONSULTATION WITH THE DEPARTMENT OF SOCIAL AND~~
 3 ~~REHABILITATION SERVICES, provide by rule:~~

4 (a) an application or placement procedure informing a
 5 prospective resident and, if applicable, his physician of:

6 (i) physical and mental standards for residents of
 7 personal-care facilities;

8 (ii) requirements for placement in a facility with a
 9 higher standard of care if a resident's condition
 10 deteriorates; and

11 (iii) the services offered by the facility and services
 12 that a resident may receive from third-party providers while
 13 resident in the facility;

14 (b) standards to be used by a facility and, if
 15 appropriate, by a screening agency to screen residents and
 16 prospective residents to prevent residence by persons
 17 prohibited by subsection (1);

18 (c) a method by which the results of any screening
 19 decision made pursuant to rules established under subsection
 20 (1)(b) may be appealed by the facility operator or by or on
 21 behalf of a resident or prospective resident.

22 ~~NEW SECTION. Section 3. Licensing personal-care~~
 23 ~~facilities. (1) The department shall~~~~IN CONSULTATION WITH~~
 24 ~~THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES., IN~~
 25 ~~CONSULTATION WITH THE DEPARTMENT OF SOCIAL AND~~

1 ~~REHABILITATION SERVICES,~~ by rule adopt standards for
 2 licensing and operation of personal-care facilities to
 3 implement the provisions of [sections 1 and 2].

4 ~~{2}--The department, in cooperation with other state~~
 5 ~~agencies, shall adopt health and safety standards for~~
 6 ~~various types of personal-care facilities.~~

7 ~~{2}--THE DEPARTMENT, IN COOPERATION WITH OTHER STATE~~
 8 ~~AGENCIES, SHALL ADOPT HEALTH AND SAFETY STANDARDS FOR~~
 9 ~~VARIOUS TYPES OF PERSONAL-CARE FACILITIES.~~

10 ~~{3}{2}{3}{2}~~ The department may by rule establish
 11 license fees, inspection fees, and fees for patient
 12 screening. Such fees must be reasonably related to service
 13 costs.

14 ~~NEW SECTION. Section 4. Limited licensing. The~~
 15 ~~department may grant a license that is provisional upon the~~
 16 ~~correction of noncompliance with provisions of [sections 1~~
 17 ~~through 6] or rules adopted pursuant to [sections 1 through~~
 18 ~~6]. A provisional license may be granted only for a specific~~
 19 ~~period of time and may not be renewed.~~

20 ~~NEW SECTION. Section 5. Life-threatening situations~~
 21 ~~-- immediate license suspension. If the department has~~
 22 ~~reason to believe that a life-threatening situation exists~~
 23 ~~relating to residents of a personal-care facility, whether~~
 24 ~~caused by an act or omission of the facility operator, act~~
 25 ~~of nature, or any other cause, it may immediately suspend~~

1 the facility's license and require evacuation of the
 2 facility. Within 5 days of such suspension, the department
 3 shall show cause in the district court of the county in
 4 which the facility is located why such suspension should be
 5 extended or the license permanently or temporarily revoked.
 6 After a hearing, the district court may remove the
 7 suspension or, upon finding sufficient cause, may:

8 (1) extend the license suspension until the
 9 life-threatening emergency has abated;

10 (2) order a conditional revocation or suspension of
 11 the license subject to correction of any life-threatening
 12 deficiency by the facility operator; or

13 (3) revoke the facility license.

14 ~~NEW SECTION.~~ Section 6. Enforcement -- denial,
 15 suspension, or revocation of license -- criminal and civil
 16 penalties -- injunctions. (1) The department may deny,
 17 suspend, or revoke a personal-care facility license for
 18 failure to meet the minimum standards as set forth in
 19 [sections 1 through 6] or applicable health standards
 20 established by the department.

21 (2) The department or the county attorney of the
 22 county in which the facility is located may, after notice to
 23 the facility operator of noncompliance with [section 2(1)]
 24 and failure of the operator to correct such noncompliance
 25 within a period of time, which may not be less than 10 days,

1 set forth in the notice, petition the district court of the
 2 county in which the facility is located for the imposition
 3 of a civil penalty not to exceed \$500 per violation. Money
 4 collected as a civil penalty must be deposited in the state
 5 general fund.

6 (3) The department or the county attorney of the
 7 county in which the facility is located may bring an action
 8 in the district court of that county to enjoin any violation
 9 of a provision of [sections 1 through 6].

10 (4) In addition to all other enforcement measures, a
 11 violation of the provisions of [sections 1 through 6] is a
 12 misdemeanor, punishable upon conviction as provided in
 13 46-18-212.

14 Section 7. Section 50-5-101, MCA, is amended to read:
 15 "50-5-101. Definitions. As used in parts 1 through 4
 16 of this chapter, unless the context clearly indicates
 17 otherwise, the following definitions apply:

18 (1) "Accreditation" means a designation of approval.

19 (2) "Adult day-care center" means a facility,
 20 free-standing or connected to another health care facility,
 21 which provides adults, on an intermittent basis, with the
 22 care necessary to meet the needs of daily living.

23 (3) "Affected persons" means the applicant, members of
 24 the public who are to be served by the proposal, health care
 25 facilities located in the geographic area affected by the

1 application, agencies which establish rates for health care
2 facilities, and agencies which plan or assist in planning
3 for such facilities, including any agency qualifying as a
4 health systems agency pursuant to Title XV of the Public
5 Health Service Act.

6 (4) "Ambulatory surgical facility" means a facility,
7 not part of a hospital, which provides surgical treatment to
8 patients not requiring hospitalization. This type of
9 facility may include observation beds for patient recovery
10 from surgery or other treatment.

11 (5) "Board" means the board of health and
12 environmental sciences, provided for in 2-15-2104.

13 (6) "Certificate of need" means a written
14 authorization by the department for a person to proceed with
15 a proposal subject to 50-5-301.

16 (7) "Clinical laboratory" means a facility for the
17 microbiological, serological, chemical, hematological,
18 radioassays, cytological, immuno-hematological,
19 pathological, or other examination of materials derived from
20 the human body for the purpose of providing information for
21 the diagnosis, prevention, or treatment of any disease or
22 assessment of a medical condition.

23 (8) "College of American pathologists" means the
24 organization nationally recognized by that name with
25 headquarters in Traverse City, Michigan, that surveys

1 clinical laboratories upon their requests and accredits
2 clinical laboratories that it finds meet its standards and
3 requirements.

4 (9) "Construction" means the physical erection of a
5 health care facility and any stage thereof, including ground
6 breaking.

7 (10) "Department" means the department of health and
8 environmental sciences provided for in Title 2, chapter 15,
9 part 21.

10 (11) "Federal acts" means federal statutes for the
11 construction of health care facilities.

12 (12) "Governmental unit" means the state, a state
13 agency, a county, municipality, or political subdivision of
14 the state, or an agency of a political subdivision.

15 (13) "Health care facility" means any institution,
16 building, or agency or portion thereof, private or public,
17 excluding federal facilities, whether organized for profit
18 or not, used, operated, or designed to provide health
19 services, medical treatment, or nursing, rehabilitative, or
20 preventive care to any person or persons. The term does not
21 include offices of private physicians or dentists. The term
22 includes but is not limited to ambulatory surgical
23 facilities, health maintenance organizations, home health
24 agencies, hospitals, infirmaries, kidney treatment centers,
25 long-term care facilities, mental health centers, outpatient

1 facilities, public health centers, rehabilitation
2 facilities, and adult day-care centers.

3 (14) "Health maintenance organization" means a public
4 or private organization organized as defined in 42 U.S.C.
5 300e, as amended.

6 (15) "Home health agency" means a public agency or
7 private organization or subdivision thereof which is engaged
8 in providing home health services to individuals in the
9 places where they live. Home health services must include
10 the services of a licensed registered nurse and at least one
11 other therapeutic service and may include additional support
12 services.

13 (16) "Hospital" means a facility providing, by or under
14 the supervision of licensed physicians, services for medical
15 diagnosis, treatment, rehabilitation, and care of injured,
16 disabled, or sick persons. Services provided may or may not
17 include obstetrical care, emergency care, or any other
18 service as allowed by state licensing authority. A hospital
19 has an organized medical staff which is on call and
20 available within 20 minutes, 24 hours per day, 7 days per
21 week, and provides 24-hour nursing care by licensed
22 registered nurses. This term includes hospitals specializing
23 in providing health services for psychiatric, mentally
24 retarded, and tubercular patients.

25 (17) "Infirmery" means a facility located in a

1 university, college, government institution, or industry for
2 the treatment of the sick or injured, with the following
3 subdefinitions:

4 (a) an "infirmery--A" provides outpatient and
5 inpatient care;

6 (b) an "infirmery--B" provides outpatient care only.

7 (18) "Joint commission on accreditation of hospitals"
8 means the organization nationally recognized by that name
9 with headquarters in Chicago, Illinois, that surveys health
10 care facilities upon their requests and grants accreditation
11 status to any health care facility that it finds meets its
12 standards and requirements.

13 (19) "Kidney treatment center" means a facility which
14 specializes in treatment of kidney diseases, including
15 freestanding hemodialysis units.

16 (20) (a) "Long-term care facility" means a facility or
17 part thereof which provides skilled nursing care or
18 intermediate nursing care to a total of two or more persons
19 or personal care to more than three ~~EBBS THREE EQUB~~ persons
20 who are not related to the owner or administrator by blood
21 or marriage, with these degrees of care defined as follows:

22 (i) "Skilled nursing care" means the provision of
23 nursing care services, health-related services, and social
24 services under the supervision of a licensed registered
25 nurse on a 24-hour basis.

(ii) "Intermediate nursing care" means the provision of nursing care services, health-related services, and social services under the supervision of a licensed nurse to patients not requiring 24-hour nursing care.

(iii) "Personal care" means the provision of services and care ~~which do not require nursing skills as provided in sections 1 through 6 which do not require nursing skills as provided in sections 1 through 6 which do not require nursing skills~~ to residents needing some assistance in performing the activities of daily living.

(b) Hotels, motels, boarding homes, roominghouses, or similar accommodations providing for transients, students, or persons not requiring institutional health care are not long-term care facilities.

(21) "Mental health center" means a facility providing services for the prevention or diagnosis of mental illness, the care and treatment of mentally ill patients or the rehabilitation of such persons, or any combination of these services.

(22) "New institutional health services" means:

(a) the construction, development, or other establishment of a health care facility which did not previously exist;

(b) any expenditure by or on behalf of a health care facility within a 12-month period in excess of \$150,000,

which, under generally accepted accounting principles consistently applied, is a capital expenditure. Whenever a health care facility or a person on behalf of a health care facility makes an acquisition under lease or comparable arrangement or through donation, which would have required review if the acquisition had been by purchase, such acquisition shall be considered a capital expenditure subject to review.

(c) a change in bed capacity of a health care facility which increases or decreases the total number of beds, redistributes beds among various service categories, or relocates such beds from one physical facility or site to another over a 2-year period by more than 10 beds or 10% of the total licensed bed capacity, whichever is less;

(d) health services which are offered in or through a health care facility and which were not offered on a regular basis in or through such health care facility within the 12-month period prior to the time such services would be offered or the deletion by a health care facility of a service previously offered;

(e) the expansion of a geographic service area of a home health agency.

(23) "Nonprofit health care facility" means a health care facility owned or operated by one or more nonprofit corporations or associations.

1 (24) "Observation bed" means a bed occupied for not
2 more than 6 hours by a patient recovering from surgery or
3 other treatment.

4 (25) "Offer" means the holding out by a health care
5 facility that it can provide specific health services.

6 (26) "Outpatient facility" means a facility, located in
7 or apart from a hospital, providing, under the direction of
8 a licensed physician, either diagnosis or treatment, or
9 both, to ambulatory patients in need of medical, surgical,
10 or mental care. An outpatient facility may have observation
11 beds.

12 (27) "Patient" means an individual obtaining services,
13 including skilled nursing care, from a health care facility.

14 (28) "Person" means any individual, firm, partnership,
15 association, organization, agency, institution, corporation,
16 trust, estate, or governmental unit, whether organized for
17 profit or not.

18 (29) "Public health center" means a publicly owned
19 facility providing health services, including laboratories,
20 clinics, and administrative offices.

21 (30) "Rehabilitation facility" means a facility which
22 is operated for the primary purpose of assisting in the
23 rehabilitation of disabled persons by providing
24 comprehensive medical evaluations and services,
25 psychological and social services, or vocational evaluation

1 and training or any combination of these services and in
2 which the major portion of the services is furnished within
3 the facility.

4 (31) "Resident" means a person who is in a long-term
5 care facility for intermediate or personal care.

6 (32) "State plan" means the state medical facility plan
7 provided for in part 4."

8 Section 8. Section 50-51-102, MCA, is amended to read:
9 "50-51-102. Definitions. Unless the context requires
10 otherwise, in this chapter the following definitions apply:

11 (1) "Board" means board of health and environmental
12 sciences.

13 (2) "Department" means the department of health and
14 environmental sciences.

15 (3) "Hotel" or "motel" includes a building or
16 structure kept, used, maintained as, advertised as, or held
17 out to the public to be a hotel, motel, inn, motor court,
18 tourist court, public lodging house, or place where sleeping
19 accommodations are furnished for a fee to transient guests,
20 with or without meals.

21 (4) "Person" includes an individual, partnership,
22 corporation, association, county, municipality, cooperative
23 group, or other entity engaged in the business of operating,
24 owning, or offering the services of a hotel, motel, tourist
25 home, retirement home, or roominghouse.

1 (5) "Roominghouse" ~~is~~ ~~BOARDINGHOUSE~~, ~~BOARDINGHOUSE~~,
 2 or "retirement home" means buildings in which separate
 3 sleeping rooms are rented providing sleeping accommodations
 4 for three or more persons on a weekly, semimonthly, monthly,
 5 or permanent basis, whether or not meals or central kitchens
 6 are provided but without separated cooking facilities or
 7 kitchens within each room, and whose occupants do not need
 8 professional nursing services ~~OR PERSONAL CARE SERVICES~~
 9 ~~PROVIDED BY THE FACILITY SERVICES OR PERSONAL CARE SERVICES~~
 10 ~~PROVIDED BY THE FACILITY~~ on a full-time basis.

11 (6) "Tourist home" means an establishment or premises
 12 where sleeping accommodations are furnished to transient
 13 guests for hire or rent on a daily or weekly rental basis in
 14 a private home when the accommodations are offered for hire
 15 or rent for the use of the traveling public.

16 (7) "Transient guest" means a guest for only a brief
 17 stay, such as the traveling public."

18 Section 9. Section 50-51-107, MCA, is amended to read:

19 "50-51-107. Provision of full-time nursing services
 20 prohibited ~~OR PERSONAL CARE SERVICES BY THE FACILITY~~
 21 ~~PROHIBITED OR PERSONAL CARE SERVICES BY THE~~
 22 ~~FACILITY PROHIBITED.~~ (1) ~~Hotels, motels, boardinghouses,~~
 23 ~~roominghouses, or similar accommodations, may not provide~~
 24 ~~professional nursing services to residents on a full-time~~
 25 ~~basis.~~ (1) ~~HOTELS, MOTELS, BOARDINGHOUSES, ROOMINGHOUSES, OR~~

1 ~~SIMILAR ACCOMMODATIONS MAY NOT PROVIDE PROFESSIONAL NURSING~~
 2 ~~SERVICES OR PERSONAL CARE SERVICES. A RESIDENT OF A HOTEL,~~
 3 ~~MOTEL, BOARDINGHOUSE, ROOMINGHOUSE, OR SIMILAR ACCOMMODATION~~
 4 ~~MAY HAVE PERSONAL CARE, MEDICAL, OR NURSING-RELATED SERVICES~~
 5 ~~PROVIDED FOR HIM IN SUCH FACILITY BY A THIRD-PARTY PROVIDER.~~
 6 (1) ~~HOTELS, MOTELS, BOARDINGHOUSES, ROOMINGHOUSES, OR~~
 7 ~~SIMILAR ACCOMMODATIONS MAY NOT PROVIDE PROFESSIONAL NURSING~~
 8 ~~SERVICES OR PERSONAL CARE SERVICES. A RESIDENT OF A HOTEL,~~
 9 ~~MOTEL, BOARDINGHOUSE, ROOMINGHOUSE, OR SIMILAR ACCOMMODATION~~
 10 ~~MAY HAVE PERSONAL CARE, MEDICAL, OR NURSING-RELATED SERVICES~~
 11 ~~PROVIDED FOR HIM IN SUCH FACILITY BY A THIRD-PARTY PROVIDER.~~

12 (2) Whenever a complaint is filed with the
 13 department that a person in need of professional nursing
 14 services is residing in a roominghouse or other similar
 15 accommodation not licensed to provide such service, the
 16 department shall investigate and provide for ~~may require~~
 17 appropriate ~~CARE OR CARE OR~~ placement of such person if it
 18 is found that professional nursing services are needed."

19 ~~SECTION 10. COORDINATION INSTRUCTION. IF HOUSE BILL~~
 20 ~~424 IS NOT PASSED AND APPROVED, THE BRACKETED REFERENCE IN~~
 21 ~~HB 424 IN SECTION 1 IS STRICKEN.~~

22 ~~SECTION 10. COORDINATION INSTRUCTION. IF HOUSE BILL~~
 23 ~~424 IS NOT PASSED AND APPROVED, THE BRACKETED REFERENCE IN~~
 24 ~~HB 424 IN SECTION 1 IS STRICKEN.~~

25 ~~NEW SECTION. Section 11. Codification instruction.~~

SB 0446/03

1 Sections 1 through 6 are intended to be codified as an
2 integral part of Title 50, chapter 5, parts 1 through 4, and
3 the provisions of Title 50, chapter 5, parts 1 through 4,
4 apply to sections 1 through 6.

-End-