

HOUSE BILL NO. 165

1/14 Introduced
1/14 Referred to Human Services & Aging
1/15 Fiscal Note Requested
1/21 Hearing
1/21 Fiscal Note Received
2/04 Committee Report-Bill Pass As Amended
2/04 Statement of Intent Attached
2/05 Fiscal Note Requested
2/05 2nd Reading Pass As Amended
2/05 Rereferred to Appropriations
2/13 Fiscal Note Received
2/27 Fiscal Note Requested
3/21 Hearing
Died in Committee

HOUSE BILL NO. 165

INTRODUCED BY *Connelly, Christian, Pistoria*
Marko, J. Blown

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR ANNUAL UNANNOUNCED 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 -- inquiries. (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 at least once within the 3 years following the date of its last inspection.

(5) In addition to and separate from the inspection required in subsection (4), the department shall perform an annual unannounced 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 the scope of the inquiry and a procedure for conducting the inquiry.

(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-

INTRODUCED BILL

HB 165



STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 103-85

Form BD-15

In compliance with a written request received January 15, 19 85, there is hereby submitted a Fiscal Note for House Bill 165 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 165 requires the Department of Health and Environmental Sciences to conduct an unannounced inquiry at each of the long-term care facilities annually. This would require General Fund funding.

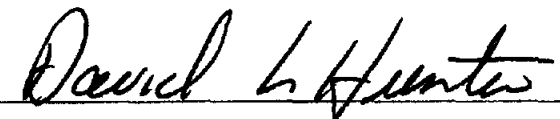
ASSUMPTION:

1. 125 facilities will be licensed in both FY 1986 and FY 1987.
2. Each inquiry would require 5 hours at the facility.
3. Two additional surveyors would be needed.
4. The Governor's budget recommends one surveyor and related operating expenses for unannounced surveys. This fiscal note could be reduced by \$31,000 per year if the Governor's recommendation is approved.

FISCAL IMPACT:

	<u>FY 1986</u>	<u>FY 1987</u>
Revenue	-0-	-0-
Expenditures:		
FTE	2.0	2.0
Personal Services	\$ 50,176	\$ 50,196
Operating Expenses	15,954	14,455
Equipment	1,474	-0-
	<u>\$ 67,604</u>	<u>\$ 64,651</u>

Funding Source: General Fund



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 19, 1985

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 103-85

Form BD-15

In compliance with a written request received February 6, 19 85, there is hereby submitted a Fiscal Note for H.B. 165 (Amended) 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 165 requires the Department of Health and Environmental Sciences to conduct unannounced inquiry at each long-term care facilities annually.

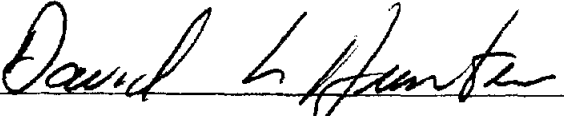
ASSUMPTIONS:

1. 7 major health departments would do inspection in their areas.
2. The Department of Health and Environmental Sciences would do other 49 counties.
3. The Department of Health and Environmental Sciences would train 2 employees of each major health department.
4. The Department of Health and Environmental Sciences would use current staff to train at no additional cost to the state. This would amount to \$813.
5. These costs are in addition to the \$64,408 appropriation.

FISCAL IMPACT:

	<u>Current</u>	<u>FY 86 Proposed</u>	<u>Difference</u>	<u>Current</u>	<u>FY 87 Proposed</u>	<u>Difference</u>
Expenditures:						
Operating Costs	\$ -0-	\$ 1,855	\$ 1,855	\$ -0-	\$ -0-	\$ -0-
Reimbursement to Major Health Departments	-0-	10,000	10,000	-0-	10,000	10,000
TOTAL	\$ -0-	\$ 11,855	\$ 11,855	\$ -0-	\$ 10,000	\$ 10,000

Funding: 100% General Fund



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 12, 1985
HB 165

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

1 STATEMENT OF INTENT

2 HOUSE BILL 165

3 House Human Services and Aging Committee

4
5 A statement of intent is required for this bill because
6 it directs the department of health and environmental
7 sciences to conduct at least one annual unannounced inquiry
8 at each licensed long-term care facility.

9 The legislature contemplates that this inquiry and
10 therefore the department's rules governing the inquiry
11 should include but not be limited to the following:

12 (1) consideration of general resident care and
13 treatment, including residents' personal hygiene and
14 cleanliness;

15 (2) consideration of the living environment, including
16 cleanliness of the premises;

17 (3) consideration of the residents' general well-being
18 and morale; and

19 (4) consideration of the facility staff's morale.

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

25 In order to carry out its responsibilities in the most

1 cost-effective manner, the department may exercise existing
2 authority under 50-1-202(17) to use the personnel of the
3 local departments of health to assist in the administration
4 of the provisions of this bill. It is intended that the
5 department reimburse local health departments for any
6 services it receives.

HOUSE BILL NO. 165

INTRODUCED BY CONNELLY, CHRISTIAENS,

PISTORIA, DARKO, J. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING--FOR--ANNUAL UNANNOUNCED-INQUIRIES-AT-LONG-TERM-CARE-FACILITIES REQUIRING AT LEAST ONE ANNUAL UNANNOUNCED INQUIRY AT EACH LONG-TERM CARE FACILITY BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; PROVIDING AN APPROPRIATION; AND 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 -- inquiries. (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 at least once within the 3 years following the date of its last inspection.

(5) In addition to and separate from the inspection required in subsection (4), the department shall perform an AT LEAST ONE annual unannounced 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 the scope of the inquiry and a procedure for conducting the inquiry.

(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."

NEW SECTION. SECTION 2. THE DEPARTMENT MAY EXERCISE ITS AUTHORITY UNDER 50-1-202(17) TO UTILIZE THE PERSONNEL OF



1 LOCAL DEPARTMENTS OF HEALTH TO CONDUCT UNANNOUNCED INQUIRIES
2 AT HEALTH CARE FACILITIES LOCATED IN THE COUNTY.

3 NEW SECTION. SECTION 3. APPROPRIATION. THERE IS
4 APPROPRIATED FROM THE GENERAL FUND TO THE DEPARTMENT OF
5 HEALTH AND ENVIRONMENTAL SCIENCES THE FOLLOWING SUM TO BE
6 USED FOR THE PURPOSE OF IMPLEMENTING THE PROVISIONS OF THIS

7 ACT:

8	<u>FISCAL YEAR 1986</u>	<u>FISCAL YEAR 1987</u>
9	<u>\$33,449</u>	<u>\$30,959</u>

-End-