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NURSING HOME QUALITY OF LIFE COMMISSION

House Bill 4451

Sponsor: Rep. Patricia Lockwood

**Committee: Senior Health, Security and
Retirement**

Complete to 3-15-01

A SUMMARY OF HOUSE BILL 4451 AS INTRODUCED 3-13-01

The bill would amend the Public Health Code to create a “Nursing Home Quality of Life Review Commission” within the Department of Community Health.

The commission would have nine members, appointed by the governor:

- * one member from the Department of Community Health, knowledgeable in federal guidelines for nursing homes as issued by the federal Health Care Financing Authority;
- * one member from the Department of Consumer and Industry Services, representing nursing home surveyors (regulators);
- * one physician specializing in geriatric medicine;
- * two members representing nursing home reform or nursing home patient advocacy groups;
- * two members representing nursing homes;
- * one nursing home resident; and
- * one family member of a nursing home resident.

Members of the commission would serve staggered four-year terms, and vacancies would be filled by the governor. The governor could remove a member for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

The initial members of the commission would have to be appointed within 120 days of the bill’s effective date. The first meeting would be called by the director of the Department of Community Health. The commission would elect a chairperson and other officers as necessary, and would meet at least quarterly. The commission would be subject to the Open Meetings Act and the Freedom of Information Act (except that confidential medical, social, personal, or financial information identifying a patient would not be available for public inspection in a manner that identified the patient). Members would serve without compensation, but could be reimbursed for expenses.

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The commission could appoint advisory committees as considered necessary by the commission. Members of advisory committees would not be compensated but could be reimbursed for their expenses. The Department of Community Health would be required to provide office space, supplies, clerical assistance, administrative assistance, and other staff as necessary for the commission in the performance of its duties.

With the assistance of the Department of Community Health, the commission would have to do all of the following:

- * establish a satisfaction survey to be distributed to all nursing home residents that was designed to elicit feedback regarding staff performance and nursing home conditions;

- * request and review all reports resulting from surveys of nursing homes (regulatory inspections conducted by the Department of Consumer and Industry Services);

- * establish review criteria for the surveys using the guidelines issued by the federal Health Care Financing Authority;

- * conduct quarterly meetings with DCIS survey team staff to discuss frequently cited violations, nursing homes that are cited for violations significantly more often than other nursing homes, and possible remedies to these items;

- * present an initial written report within one year to the Departments of Community Health and Consumer and Industry Services, the governor, the legislature, and the attorney general (the report would have to include findings detailing problems, abuses, efficiencies, and successes of the survey process; a financial audit and recommendations for funding of the survey process; and an examination of the state's compliance with federal guidelines for nursing home surveys);

- * provide an annual written report of the commission's activities, findings, and recommendations; and

- * review nursing home survey reports twice per year for changes reflecting the latest developments in geriatric social and medical practice.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.