

## AMENDMENTS TO HOUSE BILL NO. 1190

Sponsor:

Printer's No. 1607

1 Amend Bill, page 1, line 10, by inserting after "definitions,  
2 "

3 for administration,

4 Amend Bill, page 2, line 9, by striking out "organization."  
5 and inserting

6 organization" or "accreditation organization."

7 Amend Bill, page 2, by inserting between lines 12 and 13

8 "Survey." An announced or unannounced examination by the  
9 Department of Health or its representatives, which may include  
10 an onsite visit, interviews with employees, patients and other  
11 individuals and review of medical and facility records, for the  
12 purpose of determining a health care facility's compliance with  
13 licensure requirements.

14 Amend Bill, page 2, lines 13 through 15, by striking out all  
15 of said lines and inserting

16 Section 2. Section 804 of the act, amended December 18, 1992  
17 (P.L.1602, No.179), is amended to read:

18 Section 804. Administration.

19 (a) Discrimination prohibited.--Except as otherwise provided  
20 by law, no provider shall discriminate in the operation of a  
21 health care facility on the basis of race, creed, sex or  
22 national origin.

23 (b) Prevention of duplication.--In carrying out the  
24 provisions of this chapter and other statutes of this  
25 Commonwealth relating to health care facilities, the department  
26 and other departments and agencies of the State and local  
27 governments shall make every reasonable effort to prevent  
28 duplication of inspections and examinations. The department may  
29 make the dates of licensure expiration coincide with medical  
30 assistance and Medicare certification or applicable [nationally  
31 recognized accrediting agencies accreditation] accreditation by  
32 national accreditation organizations and shall combine these  
33 surveys and inspections where practical.

1 (c) Health care innovation.--The department shall administer  
2 this chapter so as to encourage innovation and experimentation  
3 in health care and health care facilities consistent with the  
4 provisions of this chapter and shall encourage contributions of  
5 private funds and services to health care facilities.

6 (d) Reports.--The department shall report annually to the  
7 General Assembly on the effectiveness of the licensing and  
8 enforcement of this chapter. Such report shall include  
9 appropriate data according to nature of facility relating to  
10 provisional licenses issued, nature of violations of regulations  
11 and number of facilities against which sanctions had to be  
12 taken.

13 Section 3. Section 806(b), (c) and (d) of the act, amended  
14 December 18, 1992 (P.L.1602, No.179), are amended and the  
15 section is amended by adding a subsection to read:  
16 Section 806. Licensure.

17 \* \* \*

18 (b) Development of regulations.--In developing rules and  
19 regulations for licensure the department shall take into  
20 consideration Federal certification standards and the standards  
21 of other third party payors for health care services and such  
22 [nationally recognized accrediting agencies] national  
23 accreditation organizations as the department may find  
24 appropriate.

25 (c) Fire and emergency standards.--Notwithstanding any other  
26 provision of law other than standards required for Federal  
27 certification by that type of health care facility in the  
28 Medicare or Medicaid program, no health care facility shall be  
29 required to satisfy any regulation relating to fire or similar  
30 emergency circumstance more stringent than those required of  
31 hospitals by the Joint Commission on Accreditation of Health  
32 Organizations or such [nationally recognized accrediting  
33 agencies] national accreditation organizations as the department  
34 may find appropriate, and the department shall adopt and enforce  
35 the appropriate standards.

36 (d) Home health care agency regulations.--In developing  
37 rules and regulations for licensure of home health care agencies  
38 the department shall take into consideration the standards of  
39 [nationally recognized accrediting agencies] national  
40 accreditation organizations as the department may find  
41 appropriate. Home health care agencies certified as providers by  
42 the department to the Federal Government for purposes of the  
43 Medicare program shall be deemed to comply with and satisfy the  
44 department's regulations governing home health care agencies.

45 Amend Bill, page 3, line 7, by striking out "inspection" and  
46 inserting

47 survey

48 Amend Bill, page 3, line 16, by striking out "3" and

1 inserting

2 4

3 Amend Bill, page 4, lines 1 through 4, by striking out all of  
4 said lines and inserting

5 (iii) all hospitals requesting that the department rely  
6 on the reports of a national accreditation organization as  
7 set forth under section 806(i)(1) and meeting the  
8 requirements of section 810.1(a):

9 (A) an initial license with an expiration date to be  
10 the last day of the month of the hospital's current  
11 accreditation cycle; and

12 (B) subsequently, provided the hospital is a deemed  
13 hospital in good standing, a license for the duration of  
14 the accreditation cycle with the expiration date to be  
15 the last day of the month in which the accreditation  
16 expires.

17 Amend Bill, page 5, line 11, by inserting a bracket before  
18 "accrediting"

19 Amend Bill, page 5, line 11, by inserting after "agencies"  
20 ] national accreditation organizations

21 Amend Bill, page 5, line 19, by inserting a bracket before  
22 "nationally"

23 Amend Bill, page 5, line 19, by inserting after "agencies"  
24 ] national accreditation organizations

25 Amend Bill, page 5, line 22, by inserting a bracket before  
26 "agency"

27 Amend Bill, page 5, line 22, by inserting after "agency"  
28 ] national accreditation organization

29 Amend Bill, page 5, line 26, by inserting a bracket before  
30 "agency" where it occurs the first time

31 Amend Bill, page 5, line 26, by inserting after "agency"  
32 where it occurs the first time

33 ] national accreditation organization

34 Amend Bill, page 5, line 26, by inserting a bracket before

1 "agency" where it occurs the second time

2 Amend Bill, page 5, line 26, by inserting after "agency"

3 where it occurs the second time

4 ] national accreditation organization

5 Amend Bill, page 5, line 30, by striking out "4" and

6 inserting

7 5

8 Amend Bill, page 6, line 16, by striking out "or inspection"

9 Amend Bill, page 6, line 18, by striking out "or inspection"

10 Amend Bill, page 6, line 21, by striking out "and

11 inspections"

12 Amend Bill, page 6, line 29, by striking out "inspections"

13 and inserting

14 surveys

15 Amend Bill, page 7, line 3, by striking out "licensure" and

16 inserting

17 survey

18 Amend Bill, page 7, lines 24 through 26, by striking out all

19 of said lines and inserting

20 (1) The department shall, in accordance with department

21 practice, make a final report of an approved accreditation

22 organization immediately available to the public.

23 Amend Bill, page 8, lines 13 and 14, by striking out all of

24 line 13 and "by accreditation organization by the department" in

25 line 14 and inserting

26 (f) Department participation or observation of surveys by

27 accreditation organization

28 Amend Bill, page 8, line 15, by striking out "or inspection"

29 Amend Bill, page 8, lines 23 and 24, by striking out

30 "accrediting agency's" and inserting

1       accreditation organization

2       Amend Bill, page 8, line 26, by striking out "accrediting"  
3 and inserting

4       accreditation

5       Amend Bill, page 8, line 27, by striking out "accrediting"  
6 and inserting

7       accreditation

8       Amend Bill, page 9, line 20, by striking out "5" and  
9 inserting

10           6