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**Health Care Committee**

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**HB 1066**

**Brief Description:** Enacting the health facility quality assurance and patient protection act.

**Sponsors:** Representatives Campbell, Cody, Miloscia, Simpson and Hudgins.

**Brief Summary of Bill**

- Expands the types of sanctions that the Department of Health may use to address violations of Department licensing standards for acute care hospitals, psychiatric hospitals, and alcohol and chemical dependency hospitals.

**Hearing Date:** 1/30/03

**Staff:** Chris Blake (786-7392).

**Background:**

Acute care hospitals, psychiatric hospitals, and alcohol and chemical dependency hospitals are among the 45 types of facilities that the Department of Health (Department) regulates. These three types of facilities provide continuous accommodations, facilities, and services to patients requiring observation, diagnosis, or care over a period of at least 24 hours.

Acute care hospitals serve patients who may require surgery and interventional services, obstetrical and nursery services, emergency care units or services, critical care units or services, cardiology services, pediatric care services, rehabilitation units, oncology services, and laboratory services.

Psychiatric hospitals provide physical and mental health assessments, comprehensive treatment and discharge plans, pharmacy and medication services, and laboratory services to patients with signs and symptoms of mental illness.

Alcohol and chemical dependency hospitals provide physical and dependency assessments, comprehensive treatment and discharge plans, pharmacy and medication services, and laboratory services to patients with signs or symptoms of alcoholism and the complications of associated substance use.

These health care facilities are licensed according to minimum standards established by the

Department in rule. Conditions that do not meet these standards are generally discovered either through complaints received by the Department or as a result of inspections conducted regularly by either the Department or an approved accrediting organization. Upon notice of a violation, facilities have an opportunity to correct the deficiency, depending upon the severity of the violation. After a facility has either failed or refused to correct a condition that is not in compliance with the standards of licensure, the Department may modify, suspend, or revoke its license. Such actions are governed by the Administrative Procedures Act and a procedural section of the Department's authority.

**Summary of Bill:**

A framework of remedial procedures is established for the Department to use to correct conditions that violate facility requirements for conditions of licensure for acute care hospitals, psychiatric hospitals, and alcohol and chemical dependency hospitals. A facility that does not comply with applicable statutes and rules for licensure must make changes necessary to comply. The Department may use a plan of correction, an informal order, or an administrative action to ensure compliance giving consideration to the speed, comprehensiveness and reliability of the remediation.

Administrative actions are formal proceedings conducted in accordance with the Administrative Procedures Act. If an administrative action is conducted, the presiding officer may, after a hearing, enter an order requiring corrective sanctions. Corrective sanctions that may be ordered to address violations of facility regulations include revocation of a license, suspension of a license, restriction of a license, mandatory training or education, monitoring of a facility, censure or reprimand, fines, specified corrective actions, refund of billings, and reimbursement of investigative and hearing costs. In determining the appropriate corrective sanction, the presiding officer must consider public health and safety and tailor the sanction to be educational and rehabilitative.

Before the issuance of findings of fact and an order by the presiding officer, the Department and the facility may enter into an agreed order disposing of the charges. This order must include at least one of the sanctions and specific findings of conditions in violation of facility regulations.

The facilities must provide the Department access to all documents and parts of the facility that relate to patient care or treatment or the standards of licensure.

The Department may adopt rules to implement this program.

**Appropriation:** None.

**Fiscal Note:** Requested on January 21, 2003.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.