

HCS HB 966 -- LONG-TERM CARE FACILITIES

SPONSOR: Nance (Schoeller)

COMMITTEE ACTION: Voted "do pass" by the Committee on Senior Citizen Advocacy by a vote of 8 to 0.

This substitute changes the laws regarding long-term care facilities.

FAMILY INVOLVEMENT POLICIES

The Department of Health and Senior Services is required to strongly encourage long-term care facilities to institute policies to encourage familial involvement in the well-being and support of residents in long-term care facilities including family conferences and meetings.

DISPUTE RESOLUTION PROCESS

The Missouri Informal Dispute Resolution Act is established which requires the Department of Health and Senior Services to contract with the federally designated Medicare Quality Improvement Organization in the state to conduct informal dispute resolutions (IDRs) for licensed long-term care facilities. The IDR process must constitute an informal administrative process but cannot be a formal evidentiary hearing and must be used to determine if a cited deficiency of a facility should be upheld. The process must include:

- (1) The incorporation by reference the provisions of federal rules regarding the IDR process;
- (2) Notification by the department to the facility by certified mail and the availability of an IDR and the IDR process within 10 working days of any deficiency found during an inspection survey. The facility has 10 days after the receipt of the statement of deficiencies to return a plan of correction to the department or request in writing an IDR conference to refute the cited deficiencies; and
- (3) Conducting an IDR conference by the quality improvement organization (QIO) within 10 days of a requested IDR by a facility. The QIO must make a determination regarding the resolution of the IDR within 10 days of the conference. If the deficiency is upheld, the facility will have 10 days after the QIO determination is delivered to submit a plan of correction to the department.

FISCAL NOTE: No impact on state funds in FY 2010, FY 2011, and

FY 2012.

PROPONENTS: Supporters say that the bill establishes a process to allow an independent third party to conduct informal dispute resolutions that will be an improvement on the current practices to make it more fair and just.

Testifying for the bill were Representative Schoeller; Missouri Association of Homes for the Aging; Christopher Wiltse, Missouri Association of Homes for Aging; Richard Royer, Primaris; and Missouri Health Care Association.

OPPONENTS: There was no opposition voiced to the committee.