



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by William B. Black

SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-212.5 new

Amends the Nursing Home Care Act. Requires the Department of Public Health to implement alternative procedures for the nursing home survey process for purposes that include the more effective and efficient use of Department resources to target problem areas. Provides for a time period of up to 30 months between surveys; provides for annual monitoring visits in the case of nursing homes surveyed at intervals greater than 12 months. Provides for educational activities and an evaluation process.

LRB093 20160 DRJ 45905 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning health facilities.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Nursing Home Care Act is amended by adding
5 Section 3-212.5 as follows:

6 (210 ILCS 45/3-212.5 new)

7 Sec. 3-212.5. Alternative facility survey process.

8 (a) The Department shall implement alternative procedures
9 for the long-term care facility survey process as authorized
10 under this Section. These alternative survey process
11 procedures seek to do the following:

12 (1) Use Department resources more effectively and
13 efficiently to target problem areas.

14 (2) Use other existing or new mechanisms to provide
15 objective assessments of quality and to measure quality
16 improvement.

17 (3) Provide for frequent collaborative interaction of
18 facility staff and surveyors rather than a punitive
19 approach.

20 (4) Reward a facility that has performed very well by
21 extending intervals between full surveys.

22 The Department shall pursue changes in federal law
23 necessary to accomplish this process and shall apply for any
24 necessary federal waivers or approval. If a federal waiver is
25 approved, the Department shall promptly implement the waiver by
26 adopting emergency rules in accordance with Section 5-45 of the
27 Illinois Administrative Procedure Act. For purposes of that
28 Act, the adoption of those rules is deemed to be an emergency
29 and necessary for the public interest, safety, or welfare.

30 (b) The Department must extend the time period between
31 standard surveys up to 30 months based on the criteria
32 established in subsection (d). In using the alternative survey

1 schedule, the requirement for the statewide average to not
2 exceed 12 months does not apply.

3 (c) The Department shall develop a process for identifying
4 the survey cycles for nursing facilities based on the
5 compliance history of the facility. This process may use a
6 range of months for survey intervals. At a minimum, the process
7 must be based on information from the last 2 survey cycles and
8 must take into consideration any deficiencies issued as the
9 result of a survey or a complaint investigation during the
10 interval. A nursing facility with a finding of substandard
11 quality of care or a finding of immediate jeopardy is not
12 entitled to a survey interval greater than 12 months. The
13 Department shall alter the survey cycle for a specific skilled
14 nursing facility based on findings identified through the
15 completion of a survey, a monitoring visit, or a complaint
16 investigation. The Department must also take into
17 consideration information other than the facility's compliance
18 history.

19 (d) The Department shall provide public notice of the
20 classification process and shall identify the selected survey
21 cycles for each nursing facility. The classification system
22 must be based on an analysis of the findings made during the
23 past 2 standard survey intervals, but it only takes one survey
24 or complaint finding to modify the interval. The Department
25 shall also take into consideration information obtained from
26 residents and family members in each nursing facility and from
27 other sources such as employees and ombudsmen in determining
28 the appropriate survey intervals for facilities.

29 (e) The Department shall conduct at least one monitoring
30 visit on an annual basis for every nursing facility that has
31 been selected for a survey cycle greater than 12 months. The
32 Department shall develop protocols for the monitoring visits;
33 the protocols shall be less extensive than the requirements for
34 a standard survey. The Department shall use the criteria set
35 forth in this subsection to determine whether additional
36 monitoring visits to a facility will be required.

1 The criteria for determining whether additional monitoring
2 visits will be required shall include, but need not be limited
3 to, the following:

4 (1) Changes in the ownership or administration of the
5 facility, or changes in the direction of the facility's
6 nursing service.

7 (2) Changes in the facility's quality indicators that
8 might evidence a decline in the facility's quality of care.

9 (3) Reductions in staffing or an increase in the
10 utilization of temporary nursing personnel.

11 (4) Complaint information or other information that
12 identifies potential concerns for the quality of the care
13 and services provided in the facility.

14 (f) The Department shall establish a process for surveying
15 and monitoring facilities that require a survey interval of
16 less than 15 months. This information shall identify the steps
17 that the Department must take to monitor the facility in
18 addition to the standard survey.

19 (g) The implementation of an alternative survey process for
20 the State must not result in any reduction of funding that
21 would have been provided to the State survey agency for survey
22 and enforcement activity based on the completion of full
23 standard surveys for each skilled nursing facility in the
24 State.

25 (h) The Department shall expand the State survey agency's
26 training and educational efforts for skilled nursing
27 facilities, residents and family members, residents and family
28 councils, long-term care ombudsman programs, and the general
29 public.

30 (i) The Department shall develop a process for the
31 evaluation of the effectiveness of an alternative survey
32 process conducted under this Section.