

HOUSE BILL REPORT

2SHB 1021

As Amended by the Senate

Title: An act relating to prior notice of hospital surveys and audits.

Brief Description: Concerning notice of hospital audits.

Sponsors: House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Campbell, Morrell and Moeller).

Brief History:

Committee Activity:

Health Care & Wellness: 1/20/09, 1/22/09 [DPS];

Health & Human Services Appropriations: 2/11/09, 2/25/09 [DP2S(w/o sub HCW)].

Floor Activity

Passed House: 3/9/09, 95-0.

Senate Amended.

Passed Senate: 4/14/09, 48-0.

Brief Summary of Second Substitute Bill

- Restores the requirement that any state agency that provides advance notice of a hospital survey or audit do so no less than four weeks prior to the survey or audit.
- Provides that hospital inspections conducted by the Department of Health (DOH) must be performed unannounced.
- Prohibits the DOH from issuing its final report regarding a hospital inspection unless certain requirements are met.
- Includes Det Norske Veritas as an entity authorized to conduct hospital surveys.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey, Campbell, Clibborn, Green, Hinkle, Kelley, Moeller, Morrell and Pedersen.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Kyle Gotchy (786-7119) and Jim Morishima (786-7191)

HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by 15 members: Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton, Cody, Dickerson, Ericksen, Johnson, Miloscia, Morrell, O'Brien, Roberts, Walsh and Wood.

Staff: Chris Blake (786-7392)

Background:

State agencies, including the Department of Health (DOH), conduct hospital surveys and audits in order to enforce standards and rules required for the safe care and treatment of patients. An audit entails an examination of records or financial accounts to evaluate accuracy and monitor compliance with statutory or regulatory requirements. A survey involves an inspection, examination, or site visit conducted by an agency.

Agencies may be required to give prior notice of an audit or survey unless the agency is responding to a complaint or immediate public health and safety concerns or when such prior notice would conflict with other state or federal law. Any state agency that provides notice of a hospital survey or audit must provide such notice to the hospital no less than four weeks prior to the date of the survey or audit.

Summary of Second Substitute Bill:

When the DOH inspects a hospital, the inspection must be conducted on an unannounced basis. The DOH is prohibited from issuing its final report regarding an unannounced inspection until:

1. the hospital is given at least two weeks to provide any information or documentation requested by the DOH during the inspection that was not available at the time of the request; and
2. at least one person from the DOH conducting the inspection meets personally with the chief administrator or executive officer of the hospital following the inspection, or the chief administrator or executive officer declines such a meeting.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment alters provisions enacted in ESB 5423 (Chapter 54, Laws of 2009) that phase in certain swing beds that are exempt from the certificate of need process. Originally, a critical access hospital could only designate up to one-half of the exempted swing beds until July 1, 2009, and could designate the remainder of the beds no sooner than July 1, 2010. The Senate amendment changes the date before which the first half of the beds may be designated from July 1, 2009, to July 1, 2010.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Health Care & Wellness):

(In support) This bill is part of the continuing effort to address the incidence of Methicillin-resistant Staphylococcus aureus (MRSA) infections in hospitals; it has been well worked and is acceptable to the hospital association. The substitute version narrows the scope so that it only impacts the DOH and hospitals. The bill removes the ridiculous requirement of providing a four-week notice prior to inspecting a hospital. We would like the hospitals to be on ready status at all times; this bill provides the appropriate conditions.

(Opposed) None.

Staff Summary of Public Testimony (Health & Human Services Appropriations):

None.

Persons Testifying (Health Care & Wellness): Representative Campbell, prime sponsor.

Persons Testifying (Health & Human Services Appropriations): None.

Persons Signed In To Testify But Not Testifying (Health Care & Wellness): None.

Persons Signed In To Testify But Not Testifying (Health & Human Services Appropriations): None.