

HB 351 -- Licensure and Inspection of Hospitals

Sponsor: Frederick

This bill changes the laws regarding the licensure and inspection of hospitals. In its main provisions, the bill:

- (1) Requires the Department of Health and Senior Services to review and revise its regulations governing hospital licensure and enforcement to promote efficiency and eliminate duplicate regulations and inspections by or on behalf of state and federal agencies;
- (2) Requires regulations adopted by the department to include, but not be limited to, the following:
 - (a) Requiring each citation or finding of a regulatory deficiency to refer to the specific written and publicly available standards and associated written interpretive guidance that are the basis of the citation or finding;
 - (b) Ensuring, subject to appropriations, that department hospital licensure regulatory standards are consistent with and do not contradict the federal Centers for Medicare and Medicaid Services' (CMS) Conditions of Participation for hospitals and the CMS associated interpretive guidance;
 - (c) Establishing and publishing guidelines for complaint investigations including, but not limited to, a process for reviewing and determining which complaints warrant an onsite investigation based on a preliminary review of available information from the complainant, other appropriate sources, and the hospital;
 - (d) Limiting a complaint investigation performed by the department to the specific regulatory standard or standards raised by the complaint unless a documented immediate and serious threat is observed or identified during the investigation;
 - (e) Providing a hospital with a report of all complaints made against it with specified details;
 - (f) Ensuring that hospitals and their personnel have the opportunity to participate at least annually in training sessions provided to state licensure surveyors; and
 - (g) Establishing specific time lines identical, to the extent practicable, to those for the federal hospital certification and enforcement system in the CMS State Operations Manual for state

hospital officials to respond to a hospital regarding the status and outcome of pending investigations and regulatory action and questions about interpretations of regulations; and

(3) Requires the department to accept hospital inspection reports from CMS-approved organizations in lieu of the department's annual inspection and requires the department to accept licensed hospital inspection reports from CMS-approved organizations for licensure purposes if the inspection was conducted within three years, instead of the current within one year, of the most recent accreditation license renewal for the hospital.