

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 88, Page  
2 3, Section 197.080, Line 11, by deleting all of said line and inserting in lieu thereof the following:

3 "regulations and inspections by or on behalf of state agencies and the Centers for Medicare  
4 and Medicaid Services (CMS). The hospital"; and

5  
6 Further amend said bill, page, and section, Line 15, by deleting all of said line and inserting in lieu  
7 thereof the following:

8 "written regulation, any state associated written interpretive guidance developed by the  
9 department and any publicly available,"; and

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11 Further amend said bill, section, and page, Lines 18 to 19, by deleting all of said lines and inserting  
12 in lieu thereof the following:

13 "regulatory standards are consistent with and do not contradict the CMS Conditions of  
14 Participation (COP) and associated"; and

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16 Further amend said bill, section, and page, Line 22, by inserting after all of said line the following:

17 "promote a higher degree of patient safety and"; and

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19 Further amend said bill, section, and page, Line 28, by deleting the word "possible" and inserting in  
20 lieu thereof the words "not prohibited by CMS"; and

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22 Further amend said bill, section, and page, Lines 34 through 38, by deleting all of said lines and  
23 inserting in lieu thereof the following:

24 "(b) A departmental investigation of a complaint shall be focused on the specific regulatory  
25 standard and departmental written interpretive guidance and publicly available professionally  
26 recognized standard of care related to the complaint. During the course of any complaint  
27 investigation, the department shall cite any serious and immediate threat discovered that may  
28 potentially jeopardize the health and safety of patients;"; and

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30 Further amend said bill, section, and page, Line 39, by deleting the word "it" and inserting in lieu  
31 thereof the words "the hospital"; and

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33 Further amend said bill and section, Page 4, Lines 42 through 44, by deleting all of said lines and  
34 inserting in lieu thereof the following:

35 "of investigation resulting from each complaint;"; and

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37 Further amend said bill, section, and page, Line 47, by inserting after the word "surveyors" the

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

phrase "with prior approval from the department director and CMS when appropriate"; and

Further amend said bill, page, and section, Line 50, by deleting the word "Timelines" and inserting in lieu thereof the words "Time lines"; and

Further amend said bill, section, and page, Line 52, by deleting all of said line and inserting in lieu thereof the following:

"interpretations of regulations shall be identical to, to the extend practicable, the time lines"; and

Further amend said bill, section, and page, Line 54, by inserting after all of said line the following:

"These time lines shall be the guide for the department to follow. Every reasonable attempt shall be made to meet the time lines. However, failure to meet the established time lines shall in no way prevent the department from performing any necessary inspections to ensure the health and safety of patients."; and

Further amend said bill, Section 197.100, Page 5, Line 31, by inserting after all of said section and line the following:

"Section 1. 1. The department of health and senior services shall post on its website information regarding investigations of complaints against hospitals. The posting of such information shall comply with all of the following requirements:

(1) Complaint data shall not be posted unless the complaint has been substantiated by investigation by departmental employees to require a statement of deficiency;

(2) The posting shall include the hospital's plan of correction accepted by departmental officials;

(3) The posting shall include the dates and specific findings of the departmental investigation;

(4) The posting shall list or include a link to each facility's annualized rate of substantiated complaints per patient day;

(5) The posting shall display the complaint investigation data so as to provide for peer group comparisons of:

(a) Psychiatric hospitals or psychiatric units within hospitals;

(b) Long-term acute care hospitals as defined by 42 CFR 412.23(e);

(c) Inpatient rehabilitation facilities or units meeting the requirements of 42 CFR 412.29;

and

(6) Time lines for posting such information shall be consistent with the CMS State Operations Manual, as amended.

2. This section shall not be construed to require or permit the posting of information that would violate state or federal laws or regulations governing the confidentiality of patient data or medical records or information protected under subsection 4 of section 537.035."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.