



# Senate

General Assembly

**File No. 30**

January Session, 2011

Senate Bill No. 969

*Senate, March 7, 2011*

The Committee on Public Health reported through SEN. GERRATANA of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT PROVIDING FOR AN INDEPENDENT REVIEW OF ANY FINDING OF DEFICIENCY BY THE DEPARTMENT OF PUBLIC HEALTH RELATING TO A HOSPITAL'S COMPLIANCE WITH APPLICABLE PUBLIC HEALTH STATUTES AND REGULATIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2011*) In the event that the  
2 Department of Public Health makes any finding of deficiency relating  
3 to a hospital's compliance with the provisions of chapter 368v of the  
4 general statutes, the Public Health Code or the department's licensing  
5 regulations, and the hospital disputes the department's medical,  
6 scientific or evidence-based grounds for the finding of deficiency, the  
7 hospital may request that there be an independent review of the  
8 finding. The department and the hospital requesting an independent  
9 review shall jointly select an individual or entity to undertake an  
10 independent review of any disputed finding of deficiency. The  
11 individual or entity conducting the independent review shall be  
12 competent in medical reviews, peer review processes or shall possess  
13 other expert abilities that are germane to the delivery of health care

14 services in a hospital setting. The hospital shall bear the entire cost of  
15 the independent review.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	New section

**PH**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill does not result in a fiscal impact to the state or municipalities. It allows a hospital to request an independent review of a finding of a deficiency by the Department of Public Health and requires the hospital to bear the entire cost of this review.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****SB 969*****AN ACT PROVIDING FOR AN INDEPENDENT REVIEW OF ANY FINDING OF DEFICIENCY BY THE DEPARTMENT OF PUBLIC HEALTH RELATING TO A HOSPITAL'S COMPLIANCE WITH APPLICABLE PUBLIC HEALTH STATUTES AND REGULATIONS.*****SUMMARY:**

This bill allows a hospital to request an independent review if (1) the Department of Public Health (DPH) finds the hospital is deficient in its compliance with state laws, the Public Health Code, or DPH licensing regulations and (2) the hospital disputes DPH's medical, scientific, or evidenced-based grounds for its finding. The bill requires DPH and the hospital to jointly select an independent individual or entity to conduct the review. The selected person or entity must be competent in (1) medical reviews or peer review processes or (2) possess other expert abilities relevant to the delivery of health care services in a hospital setting. The bill also requires the hospital to pay the entire cost of the independent review. Under existing law, unchanged by the bill, a hospital aggrieved by a DPH decision may request a department hearing in accordance with the Uniform Administrative Procedures Act (UAPA) and, if still not satisfied, can appeal to Superior Court.

EFFECTIVE DATE: July 1, 2011

**BACKGROUND*****DPH Hospital Licensure***

By law, DPH must biennially license and inspect hospitals. DPH also conducts inspections (1) required for Medicare-certification on behalf of the federal Centers for Medicare and Medicaid Services (CMS) and (2) in response to complaints filed against a facility for violations of state or federal regulations.

After an inspection, DPH provides the hospital with a formal report of any deficiencies it finds. The hospital must then submit a written corrective action plan to address these deficiencies. To dispute a deficiency, a hospital may take both informal and formal actions. First, it may have an on-site conversation with DPH at the conclusion of the inspection or mail documentation to DPH showing its compliance with a particular law or regulation. If the hospital still disputes a DPH finding, it may enter into an informal dispute resolution process with the department. If the issue remains unresolved, the hospital may then request a department hearing in accordance with the (UAPA) and, if still not satisfied, can appeal to Superior Court.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable

Yea 23 Nay 0 (02/25/2011)