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## **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 (1) be competent in 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)