

Montana State Legislature

Exhibit Number:

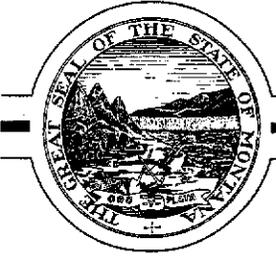
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DEPARTMENT OF
PUBLIC HEALTH AND HUMAN SERVICES
DIVISION OF QUALITY ASSURANCE

EXHIBIT 33
DATE 2-18-05
HB 704



BRIAN SCHWEITZER
GOVERNOR

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STATE OF MONTANA

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Testimony of the Department of Public Health
and Human Services
Before the House Human Services Committee
February 18, 2005

RE: HB 704 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING TIMEFRAMES FOR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FOR DECISIONS ON SURVEYS AND INFORMAL DISPUTE RESOLUTION FOR LONG-TERM CARE FACILITIES; AMENDING SECTION 53-6-109, MCA; AND PROVIDING AN EFFECTIVE DATE."

The Quality Assurance Division of the Department of Public Health and Human Services has responsibility for both the Informal Dispute Resolution (or IDR) and the Medicare/Medicaid survey and certification process that are addressed in HB 704. We conceptually support the timeframes that are outlined in this bill. We would be unable to meet these time frames, however, without additional resources. We have prepared a fiscal note for this bill that asks for additional resources. I don't believe that you have the note before you today as it is still winding its way through the approval process. Our request is for 4.00 FTE. Two FTE are needed to perform the IDR functions required on page 2, lines 2-4 of the bill. Two additional FTE are required to perform the survey form quality assurance function outlined on page 2, lines 12-14 of the bill. The general fund cost for all of these FTE is only \$29,643 in SFY 2006 and \$28,155 in SFY 2007. Survey related activities are funded at a 12.5% general fund and 87.5% federal fund matching rate.

I wanted you to have a clearer idea about the areas addressed in HB 704, so I have prepared two handouts. The white handout is a copy of an Informal Dispute Resolution hearing decision. An Informal Dispute Resolution hearing can be requested by a nursing facility if they disagree with survey and certification findings made by the Department. A hearing officer who is independent of the survey process conducts the hearing. These hearings can be quite complex and often involve multiple issues that must be decided. Each issue may require research into federal and state regulations, nursing home industry standards, and medical standards of practice.

The second handout, on colored paper, is the actual survey form, which is called a 2567. This contains the information about any deficient practices that were found when the Department performed an on-site inspection of the nursing facility. This form must be posted at the nursing facility and be available for public review. The federal government also publishes results of the survey on a nationally available web page. Thus, accuracy is critical to both providers and the Department.

I will be available and would be happy to answer any questions that you might have about the IDR or survey process.

Respectfully submitted,

Handwritten signature of Mary E. Dalton in cursive.

Mary E. Dalton, Administrator
Quality Assurance Division