

SPONSOR: Sen. Mantzavinos & Sen. Townsend & Sen. Pettyjohn & Rep. K. Johnson & Rep. Michael Smith & Rep. Bush
Sens. Buckson, Hansen, Hocker, Hoffner, Huxtable, Lawson, Poore, Richardson, Sokola, Walsh, Wilson; Reps. Bolden, Cooke, Gray, Griffith, Hensley, Hilovsky, Lynn, Morrison, Osienski, Parker Selby, D. Short, Yearick

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 215
AS AMENDED BY
SENATE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO STATE INSPECTIONS OF LONG-TERM CARE FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 11, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1107. Inspections and monitoring.

(a) The Department shall inspect each long-term care facility as follows: ~~on a regular basis to ensure compliance with this chapter and the regulations adopted pursuant to it.~~

(1) The Department must conduct an inspection of each long-term care facility not later than 15 months after the last day of the previous inspection.

(2) The statewide average interval between inspections of long-term care facilities must be 12 months or less, computed in accordance with paragraph (3) of this section.

(3) The statewide average interval is computed at the end of each fiscal year by comparing the last day of the most recent inspection for each participating facility to the last day of each facility's previous inspection.

(b) The Department shall have the authority to assess additional fees to recover the actual costs and expenses of the Department for any monitoring or inspections needed beyond the standard inspection in those cases in which substantiated violations are found.

(c) Any duly authorized employee or agent of the Department may enter and inspect any facility licensed under this chapter without notice at any time. All licensees are required to provide immediate access to Department personnel to conduct inspections. Such inspections may include any of the following:

(1) Interviewing residents.

SD : FJM : ALW : 2711520087
LC : HVW : CBM : 5081520220
Released: 06/30/2024 07:55 PM

(2) Interviewing family members or staff.

(3) Reviewing and photocopying any records and documents maintained by the licensee.

(4) Inspecting any portion of the physical plant of the facility.

(5) Enforcing any provision of this chapter and the regulations pursuant to it, as well as applicable federal law and regulations.

(6) Determining whether a facility complies with the inspection participation requirements.

(7) Confirming that the facility has corrected deficiencies previously cited.

(d) Advance notice may not be given to any facility of any inspection conducted under this chapter unless specifically authorized by the Secretary of the Department or the Secretary's designee or as otherwise required by federal law or regulation. Failure to comply with this subsection results in the imposition by the Department of a civil penalty not to exceed $5,000 per violation.

(e) At the conclusion of each inspection, the Department shall promptly notify the facility of any violations of this chapter and its regulations as well as of federal law and regulations. It shall provide a comprehensive exit interview at the conclusion of each inspection whereby the facility is made aware of any problems found, including violations of applicable law or regulations. Representatives from the Long-Term Care Ombudsperson's Office shall be invited to attend each exit interview.

(f) [Repealed.]

(g) Any person who is a former employee of a long-term care facility is disqualified from participating for 2 years in any manner in any inspection of that facility.

(h) Any person who has a relative residing or working in a long-term care facility is disqualified from participating in any manner in any inspection of that facility.

Section 2. This Act takes effect 90 days after its enactment into law.

SD : FJM : ALW : 2711520087
LC : HVW : CBM : 5081520220
Released: 06/30/2024 07:55 PM