

Failure to inspect hospitals violates state law: consumers

Voluntary hospitals in New York State have not been inspected by the New York State Health Department in the past two years, in violation of a state law mandating full inspection of hospitals before they are granted operating certificates, a New York City consumer group charged Jan. 27.

The Consumer Commission on the Accreditation of Health Services specifically charged that no voluntary hospitals in the city had been inspected in the past two years, the period for which operating certificates usually are issued.

The state's takeover of inspection of investor-owned institutions in September 1973 "was misrepresentation," Donald Rubin, consumer group president, also charged, because "the state could not even complete their own inspections."

The group also condemned the health department's use of hospital surveys made by the Joint Commission on Accreditation of Hospitals (JCAH), in lieu of state inspections, maintaining that the JCAH's standards do not protect the public in the same manner as the state-mandated regulations.

The consumer group said that it opposes the state's using JCAH standards because (1) the standards are not mandated by law; (2) the JCAH's function is primarily educational; (3) the state hospital code and JCAH standards differ significantly; (4) hospitals pay for the JCAH surveys; (5) JCAH findings are confidential and impossible to obtain, whereas state findings are available through members of the legislature and through judicial procedures; and (6) the state indicates areas in

high hospitals are deficient whereas the JCAH issues "recommendations."

Instead of inspecting hospitals, Mr. Rubin charged, the state health department has been investigating nursing homes, not only because of need, but also because the federal government pays for the inspections.

A spokesman for the state health commissioner's office said that full inspection surveys are not a requirement for operating certificate renewal.

"The state did not make any routine 'full' surveys, but if we hear of a problem, we go in and investigate," the spokesman said. In the past two years, the state health department has visited hospitals for alleged violations 413 times, he noted.

In addition, he defended the nursing home investigations as a "resource allocation" problem. Federal Medicare requirements have caused the state to divert resources over the past two years to inspecting nursing homes, the spokesman said. The state has been inspecting the homes "not because it can get money but because the program could be decertified under law for institutional deficiencies."

"We're the only ones inspecting the homes, so we had to make that task a priority project," the spokesman added.

Because nursing home surveys have been completed, the spokesman said, hospital inspections again will be scheduled.

Concerning the use of JCAH evaluations, the spokesman said that the state uses surveys that are less than two years old. On newer surveys the state reviews each aspect of the report and determines if the survey findings are acceptable. ■

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