

---

SECOND SUBSTITUTE SENATE BILL 6544

---

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Deccio, Franklin, Wood, Wojahn and Winsley)

Read first time 02/10/98.

1 AN ACT Relating to improving long-term care; amending RCW  
2 70.129.030; adding a new section to chapter 18.20 RCW; adding a new  
3 section to chapter 70.128 RCW; creating new sections; and providing an  
4 effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that many residents of  
7 long-term care facilities and recipients of in-home personal care  
8 services are exceptionally vulnerable and their health and well-being  
9 are heavily dependent on their caregivers. The legislature further  
10 finds that the quality of staff in long-term care facilities is often  
11 the key to good care. The need for well-trained staff and well-managed  
12 facilities is growing as the state's population ages and the acuity of  
13 the health care problems of residents increases. In order to better  
14 protect and care for residents, the legislature directs that the  
15 minimum training standards be reviewed for licensees serving residents  
16 with special needs, such as mental illness, dementia, or a  
17 developmental disability, that licensees receive appropriate training,  
18 and that the training delivery system be improved.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 18.20 RCW  
2 to read as follows:

3        (1) The department of health shall review, in coordination with the  
4 department of social and health services, the nursing care quality  
5 assurance commission, adult family home providers, boarding home  
6 providers, in-home personal care providers, and long-term care  
7 consumers and advocates, training standards for administrators and  
8 resident caregiving staff. The departments and the commission shall  
9 submit to the appropriate committees of the house of representatives  
10 and the senate by December 1, 1998, specific recommendations on  
11 training standards and the delivery system, including necessary  
12 statutory changes and funding requirements. Any proposed enhancements  
13 shall be consistent with this section, shall take into account and not  
14 duplicate other training requirements applicable to boarding homes and  
15 staff, and shall be developed with the input of boarding home and  
16 resident representatives, health care professionals, and other vested  
17 interest groups. Training standards and the delivery system shall be  
18 relevant to the needs of residents served by the boarding home and  
19 recipients of long-term in-home personal care services and shall be  
20 sufficient to ensure that administrators and caregiving staff have the  
21 skills and knowledge necessary to provide high quality, appropriate  
22 care.

23        (2) The recommendations on training standards and the delivery  
24 system developed under subsection (1) of this section shall be based on  
25 a review and consideration of the following:    Quality of care;  
26 availability of training; affordability, including the training costs  
27 incurred by the department of social and health services and private  
28 providers; portability of existing training requirements; competency  
29 testing; practical and clinical course work; methods of delivery of  
30 training; and necessary enhancements for special needs populations and  
31 resident rights training. Residents with special needs include, but  
32 are not limited to, residents with a diagnosis of mental illness,  
33 dementia, or developmental disability.

34        (3) The department of social and health services shall report to  
35 the appropriate committees of the house of representatives and the  
36 senate by December 1, 1998, on the cost of implementing the proposed  
37 training standards for state-funded residents, and on the extent to  
38 which that cost is covered by existing state payment rates.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 70.128 RCW  
2 to read as follows:

3        (1) The department of health shall review, in coordination with the  
4 department of social and health services, the nursing care quality  
5 assurance commission, adult family home providers, boarding home  
6 providers, in-home personal care providers, and long-term care  
7 consumers and advocates, training standards for administrators and  
8 resident caregiving staff. The departments and the commission shall  
9 submit to the appropriate committees of the house of representatives  
10 and the senate by December 1, 1998, specific recommendations on  
11 training standards and the delivery system, including necessary  
12 statutory changes and funding requirements. Any proposed enhancements  
13 shall be consistent with this section, shall take into account and not  
14 duplicate other training requirements applicable to adult family homes  
15 and staff, and shall be developed with the input of adult family home  
16 and resident representatives, health care professionals, and other  
17 vested interest groups. Training standards and the delivery system  
18 shall be relevant to the needs of residents served by the adult family  
19 home and recipients of long-term in-home personal care services and  
20 shall be sufficient to ensure that administrators and caregiving staff  
21 have the skills and knowledge necessary to provide high quality,  
22 appropriate care.

23        (2) The recommendations on training standards and the delivery  
24 system developed under subsection (1) of this section shall be based on  
25 a review and consideration of the following:    Quality of care;  
26 availability of training; affordability, including the training costs  
27 incurred by the department of social and health services and private  
28 providers; portability of existing training requirements; and necessary  
29 enhancements for special needs populations and resident rights  
30 training. Residents with special needs include, but are not limited  
31 to, residents with a diagnosis of mental illness, dementia, or  
32 developmental disability.

33        (3) The department of social and health services shall report to  
34 the appropriate committees of the house of representatives and the  
35 senate by December 1, 1998, on the cost of implementing the proposed  
36 training standards for state-funded residents, and on the extent to  
37 which that cost is covered by existing state payment rates.

1       **Sec. 4.** RCW 70.129.030 and 1997 c 386 s 31 are each amended to  
2 read as follows:

3       (1) The facility must inform the resident both orally and in  
4 writing in a language that the resident understands of his or her  
5 rights and all rules and regulations governing resident conduct and  
6 responsibilities during the stay in the facility. The notification  
7 must be made prior to or upon admission. Receipt of the information  
8 must be acknowledged in writing.

9       (2) The resident or his or her legal representative has the right:

10       (a) Upon an oral or written request, to access all records  
11 pertaining to himself or herself including clinical records within  
12 twenty-four hours; and

13       (b) After receipt of his or her records for inspection, to purchase  
14 at a cost not to exceed the community standard photocopies of the  
15 records or portions of them upon request and two working days' advance  
16 notice to the facility.

17       (3) The facility shall only admit or retain individuals whose needs  
18 it can safely and appropriately serve in the facility with appropriate  
19 available staff and through the provision of reasonable accommodations  
20 required by state or federal law. Except in cases of genuine  
21 emergency, the facility shall not admit an individual before obtaining  
22 a thorough assessment of the resident's needs and preferences. The  
23 assessment shall contain, unless unavailable despite the best efforts  
24 of the facility, the resident applicant, and other interested parties,  
25 the following minimum information: Recent medical history; necessary  
26 and contraindicated medications; a licensed medical or other health  
27 professional's diagnosis, unless the individual objects for religious  
28 reasons; significant known behaviors or symptoms that may cause concern  
29 or require special care; mental illness, except where protected by  
30 confidentiality laws; level of personal care needs; activities and  
31 service preferences; and preferences regarding other issues important  
32 to the resident applicant, such as food and daily routine.

33       (4) The facility must inform each resident in writing in a language  
34 the resident or his or her representative understands before~~((, or at~~  
35 ~~the time of))~~ admission, and at least once every twenty-four months  
36 thereafter of: (a) Services, items, and activities customarily  
37 available in the facility or arranged for by the facility as permitted  
38 by the facility's license; (b) charges for those services, items, and  
39 activities including charges for services, items, and activities not

1 covered by the facility's per diem rate or applicable public benefit  
2 programs; and (c) the rules of facility operations required under RCW  
3 70.129.140(2). Each resident and his or her representative must be  
4 informed in writing in advance of changes in the availability or the  
5 charges for services, items, or activities, or of changes in the  
6 facility's rules. Except in emergencies, thirty days' advance notice  
7 must be given prior to the change. However, for facilities licensed  
8 for six or fewer residents, if there has been a substantial and  
9 continuing change in the resident's condition necessitating  
10 substantially greater or lesser services, items, or activities, then  
11 the charges for those services, items, or activities may be changed  
12 upon fourteen days' advance written notice.

13 ~~((4))~~ (5) The facility must furnish a written description of  
14 residents rights that includes:

15 (a) A description of the manner of protecting personal funds, under  
16 RCW 70.129.040;

17 (b) A posting of names, addresses, and telephone numbers of the  
18 state survey and certification agency, the state licensure office, the  
19 state ombudsmen program, and the protection and advocacy systems; and

20 (c) A statement that the resident may file a complaint with the  
21 appropriate state licensing agency concerning alleged resident abuse,  
22 neglect, and misappropriation of resident property in the facility.

23 ~~((5))~~ (6) Notification of changes.

24 (a) A facility must immediately consult with the resident's  
25 physician, and if known, make reasonable efforts to notify the  
26 resident's legal representative or an interested family member when  
27 there is:

28 (i) An accident involving the resident which requires or has the  
29 potential for requiring physician intervention;

30 (ii) A significant change in the resident's physical, mental, or  
31 psychosocial status (i.e., a deterioration in health, mental, or  
32 psychosocial status in either life-threatening conditions or clinical  
33 complications).

34 (b) The facility must promptly notify the resident or the  
35 resident's representative shall make reasonable efforts to notify an  
36 interested family member, if known, when there is:

37 (i) A change in room or roommate assignment; or

38 (ii) A decision to transfer or discharge the resident from the  
39 facility.

1 (c) The facility must record and update the address and phone  
2 number of the resident's representative or interested family member,  
3 upon receipt of notice from them.

4 NEW SECTION. **Sec. 5.** The review under sections 2 and 3 of this  
5 act shall include residential care staff training for programs and  
6 services operated under Title 71A RCW.

7 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect July 1,  
8 1998.

--- END ---