
HOUSE BILL 3204

State of Washington 60th Legislature 2008 Regular Session
By Representatives Morrell, Campbell, and Green

1 AN ACT Relating to protecting medicaid residents in boarding homes;
2 and adding a new section to chapter 18.20 RCW.

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

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

6 (1)(a) In the case of a boarding home that voluntarily withdraws
7 from participation in the state medicaid program for residential care
8 and services but continues to provide services of the type provided by
9 boarding homes:

10 (i) The facility's voluntary withdrawal from participation is not
11 an acceptable basis for the transfer or discharge of residents of the
12 facility who were residing in the facility on the day before the
13 effective date of the withdrawal, including those residents who were
14 not entitled to medicaid assistance as of such day;

15 (ii) The provisions of this section continue to apply to the
16 residents of the facility until the date of their discharge from the
17 facility; and

18 (iii) In the case of each person who begins residence in the
19 facility on or after the effective date of the facility's withdrawal

1 from medicaid participation referenced in (a)(i) of this subsection,
2 the facility shall provide notice orally and in a prominent manner in
3 writing of the information described in subsection (2) of this section
4 on a separate page before the person begins residence, and shall obtain
5 from each person at that time a signed, written acknowledgement of
6 receipt of the information, separate from other documents signed by the
7 person.

8 (b) Nothing in this subsection shall be construed as affecting any
9 requirement that a boarding home provide advance notice to the
10 department of its intention to voluntarily terminate the facility's
11 medicaid contract with the department.

12 (2) The following information must be provided to the persons
13 described in subsection (1)(a)(iii) of this section:

14 (a) The facility will not participate in the medicaid program with
15 respect to that person; and

16 (b) The facility may transfer or discharge that person from the
17 facility if the person is unable to pay the charges of the facility,
18 even if the person becomes eligible for medicaid assistance for
19 boarding home services.

20 (3) Notwithstanding any other provision of this section, with
21 respect to the persons described in subsection (1)(a)(i) of this
22 section, a medicaid contract between the department and a facility
23 described in subsection (1) of this section is deemed to continue in
24 effect under that agreement after the effective date of the facility's
25 voluntary withdrawal from participation in the medicaid program for
26 purposes of:

27 (a) Receiving payments under the medicaid program for boarding home
28 services provided to such persons;

29 (b) Maintaining compliance with all requirements of the medicaid
30 contract between the department and the facility; and

31 (c) Continuing to apply the inspection, contracting, and
32 enforcement authority provided under the department's contract,
33 regulations, and law.

34 (4) Except as provided in subsections (1)(a)(iii) and (2) of this
35 section, this section shall not apply to a person who begins residence
36 in a facility on or after the effective date of the facility's

1 withdrawal from participation in the medicaid program for residential
2 care and services.

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