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**SUBSTITUTE SENATE BILL 6807**

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**State of Washington**

**60th Legislature**

**2008 Regular Session**

**By** Senate Health & Long-Term Care (originally sponsored by Senators Kastama, Keiser, Fairley, and Kohl-Welles)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to discharge of long-term care residents; adding a  
2 new section to chapter 18.20 RCW; and declaring an emergency.

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 boarding home's voluntary withdrawal from participation in  
7 the medicaid program for residential care and services, while  
8 continuing to provide services of the type provided by boarding homes,  
9 is not an acceptable basis for the transfer or discharge of  
10 medicaid-eligible persons who were residing in the boarding home on the  
11 day before the effective date of the withdrawal.

12 (2)(a) A boarding home that voluntarily withdraws from  
13 participation in the medicaid program for residential care and services  
14 must provide notice to any person who begins residence in the boarding  
15 home on or after the effective date of the medicaid withdrawal that:

16 (i) The boarding home will not participate in the medicaid program  
17 with respect to that person; and

18 (ii) The boarding home may transfer or discharge the person,

1 following notice, if the person is unable to pay the charges of the  
2 facility, even if the person becomes eligible for medicaid assistance  
3 for boarding home services while residing at the boarding home.

4 (b) The boarding home shall provide notice orally and in writing in  
5 a prominent manner on a separate page before the person begins  
6 residence, and must obtain the person's signed, written acknowledgement  
7 of receipt of the information.

8 (c) 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 (3) Notwithstanding any other provision of this section, a medicaid  
13 contract between the department and a boarding home is deemed to  
14 continue in effect after the effective date of the facility's voluntary  
15 withdrawal from participation in the medicaid program for purposes of:

16 (a) Receiving payments under the medicaid program for boarding home  
17 services provided to persons who were residing in the boarding home on  
18 the day before the effective date of the withdrawal;

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

21 (c) Continuing to apply the oversight and enforcement authority  
22 provided under the department's contract, regulations, and the law.

23 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
24 preservation of the public peace, health, or safety, or support of the  
25 state government and its existing public institutions, and takes effect  
26 immediately.

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