

SENATE BILL REPORT

SB 5226

As of February 5, 2009

Title: An act relating to prohibiting requests for waivers of rights of residents of long-term care facilities.

Brief Description: Prohibiting requests for waivers of rights of residents of long-term care facilities.

Sponsors: Senators Kline, Franklin, Keiser, Hargrove and Kohl-Welles.

Brief History:

Committee Activity: Health & Long-Term Care: 2/04/09.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Staff: Rhoda Donkin (786-7465)

Background: State law describes in some detail the rights provided to residents of long-term care facilities. Some of these include the right to not be physically or chemically restrained, or verbally, sexually, physically, or mentally abused. Residents have the right to an environment that maintains or enhances their dignity, and to reside in a facility with reasonable accommodation to their needs and preferences. State law also prohibits a long-term care facility or nursing facility licensed under 18.51 RCW to require or request residents to sign waivers of potential liability or losses of personal property or injury.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): No person, entity, or facility must require or request any vulnerable adult or the vulnerable adult's representative to sign waivers of any rights set forth under the state's vulnerable adult statute.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff Summary of Public Testimony: PRO: This protects and preserves current law on behalf of vulnerable adults.

OTHER: We don't want this to prohibit use of arbitration agreements.

Persons Testifying: PRO: Jeff Crollard, LTC Ombudsman Program Attorney; Louise Ryan, LTC Ombudsman.

OTHER: Gary Weeks, Washington Health Care Association; Deb Murphy, Aging Services of Washington.