CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 2100

Chapter 271, Laws of 1991

52nd Legislature
1991 Regular Session

NURSING HOME CARE FOR UNDERSERVED ETHNIC MINORITIES

EFFECTIVE DATE: 5/20/91

Passed by the House March 19, 1991
Yeas 98  Nays 0

JOE KING
Speaker of the House of Representatives

Passed by the Senate April 19, 1991
Yeas 44  Nays 0

JOEL PRITCHARD
President of the Senate

Approved May 20, 1991

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE HOUSE BILL 2100 as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON  Chief Clerk

FILED

May 20, 1991 – 10:43 a.m.

BOOTH GARDNER  Secretary of State
Governor of the State of Washington

State of Washington
AN ACT Relating to nursing homes for underserved ethnic minorities; adding a new section to chapter 70.38 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. Sec. 1. A new section is added to chapter 70.38 RCW to read as follows:

(1) The legislature recognizes that in this state ethnic minorities currently use nursing home care at a lower rate than the general population. The legislature also recognizes and supports the federal mandate that nursing homes receiving federal funds provide residents with a homelike environment. The legislature finds that certain ethnic minorities have special cultural, language, dietary, and other needs not generally met by existing nursing homes which are intended to serve the general population. Accordingly, the legislature further finds that there is a need to foster the development of nursing homes
designed to serve the special cultural, language, dietary, and other
needs of ethnic minorities.

(2) The department shall establish a separate pool of no more than
two hundred fifty beds for nursing homes designed to serve the special
needs of ethnic minorities. The pool shall be made up of nursing home
beds that become available on or after March 15, 1991, due to:

(a) Loss of license or reduction in licensed bed capacity if the
beds are not otherwise obligated for replacement; or

(b) Expiration of a certificate of need.

(3) The department shall develop procedures for the fair and
efficient award of beds from the special pool. In making its decisions
regarding the award of beds from the pool, the department shall
consider at least the following:

(a) The relative degree to which the long-term care needs of an
ethnic minority are not otherwise being met;

(b) The percentage of low-income persons who would be served by the
proposed nursing home;

(c) The financial feasibility of the proposed nursing home; and

(d) The impact of the proposal on the area’s total need for nursing
home beds.

(4) To be eligible to apply for or receive an award of beds from
the special pool, an application must be to build a new nursing home,
or add beds to a nursing home, that:

(a) Will be owned and operated by a nonprofit corporation, and at
least fifty percent of the board of directors of the corporation are
members of the ethnic minority the nursing home is intended to serve;

(b) Will be designed, managed, and administered to serve the
special cultural, language, dietary, and other needs of an ethnic
minority; and
(c) Will not discriminate in admissions against persons who are not members of the ethnic minority whose special needs the nursing home is designed to serve.

(5) If a nursing home or portion of a nursing home that is built as a result of an award from the special pool is sold or leased within ten years to a party not eligible under subsection (4) of this section:

(a) The purchaser or lessee may not operate those beds as nursing home beds without first obtaining a certificate of need for new beds under this chapter; and

(b) The beds that had been awarded from the special pool shall be returned to the special pool.

(6) The department shall initially award up to one hundred beds before that number of beds are actually in the special pool, provided that the number of beds so awarded are subtracted from the total of two hundred fifty beds that can be awarded from the special pool.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

Passed the Senate April 19, 1991.
Approved by the Governor May 20, 1991.
Filed in Office of Secretary of State May 20, 1991.