

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1743**

Chapter 194, Laws of 1997  
(partial veto)

55th Legislature  
1997 Regular Session

LONG-TERM CARE OMBUDSMAN PROGRAM--ADOPTION OF RULES

EFFECTIVE DATE: 7/27/97

Passed by the House March 6, 1997  
Yeas 94 Nays 0

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Passed by the Senate April 14, 1997  
Yeas 47 Nays 0

BRAD OWEN  
**President of the Senate**

Approved April 24, 1997, with the  
exception of section 2, which is  
vetoed.

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1743** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

April 24, 1997 - 4:17 p.m.

**Secretary of State  
State of Washington**

---

HOUSE BILL 1743

---

Passed Legislature - 1997 Regular Session

State of Washington                      55th Legislature                      1997 Regular Session

By Representatives Dyer, Cody, Kenney, Cooke and Blalock

Read first time 02/06/97. Referred to Committee on Health Care.

1            AN ACT Relating to the long-term care ombudsman program; amending  
2 RCW 43.190.030; and declaring an emergency.

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

4            **Sec. 1.** RCW 43.190.030 and 1995 c 399 s 105 are each amended to  
5 read as follows:

6            There is created the office of the state long-term care ombudsman.  
7 The department of community, trade, and economic development shall  
8 contract with a private nonprofit organization to provide long-term  
9 care ombudsman services as specified under, and consistent with, the  
10 federal older Americans act as amended, federal mandates, the goals of  
11 the state, and the needs of its citizens. The department of community,  
12 trade, and economic development shall ensure that all program and staff  
13 support necessary to enable the ombudsman to effectively protect the  
14 interests of residents, patients, and clients of all long-term care  
15 facilities is provided by the nonprofit organization that contracts to  
16 provide long-term care ombudsman services. The department of  
17 community, trade, and economic development shall adopt rules to carry  
18 out this chapter and the long-term care ombudsman provisions of the  
19 federal older Americans act, as amended, and applicable federal

1 regulations. The long-term care ombudsman program shall have the  
2 following powers and duties:

3 (1) To provide services for coordinating the activities of long-  
4 term care ombudsmen throughout the state;

5 (2) Carry out such other activities as the department of community,  
6 trade, and economic development deems appropriate;

7 (3) Establish procedures consistent with RCW 43.190.110 for  
8 appropriate access by long-term care ombudsmen to long-term care  
9 facilities and patients' records, including procedures to protect the  
10 confidentiality of the records and ensure that the identity of any  
11 complainant or resident will not be disclosed without the written  
12 consent of the complainant or resident, or upon court order;

13 (4) Establish a state-wide uniform reporting system to collect and  
14 analyze data relating to complaints and conditions in long-term care  
15 facilities for the purpose of identifying and resolving significant  
16 problems, with provision for submission of such data to the department  
17 of social and health services and to the federal department of health  
18 and human services, or its successor agency, on a regular basis; and

19 (5) Establish procedures to assure that any files maintained by  
20 ombudsman programs shall be disclosed only at the discretion of the  
21 ombudsman having authority over the disposition of such files, except  
22 that the identity of any complainant or resident of a long-term care  
23 facility shall not be disclosed by such ombudsman unless:

24 (a) Such complainant or resident, or the complainant's or  
25 resident's legal representative, consents in writing to such  
26 disclosure; or

27 (b) Such disclosure is required by court order.

28 ***\*NEW SECTION. Sec. 2. This act is necessary for the immediate***  
29 ***preservation of the public peace, health, or safety, or support of the***  
30 ***state government and its existing public institutions, and takes effect***  
31 ***immediately.***

32 ***\*Sec. 2 was vetoed. See message at end of chapter.***

Passed the House March 6, 1997.

Passed the Senate April 14, 1997.

Approved by the Governor April 24, 1997, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State April 24, 1997.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 2,  
3 House Bill No. 1743 entitled:

4 "AN ACT Relating to the long-term care ombudsman program;"

5 House Bill No. 1743 requires the Department of Community, Trade and  
6 Economic Development to adopt rules for the state long-term care  
7 ombudsman program. Section 2 of the bill is an emergency clause,  
8 implementing the bill immediately.

9 Although this legislation is important, it is not a matter  
10 necessary for the immediate preservation of the public peace, health or  
11 safety, or support of the state government and its existing public  
12 institutions.

13 For this reason, I have vetoed section 2 of House Bill No. 1743.

14 With the exception of section 2, I am approving House Bill No.  
15 1743."