

SHB 1315 - S COMM AMD

By Committee on Health & Long-Term Care

ADOPTED 04/07/2011

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 18.51 RCW  
4 to read as follows:

5 (1) A nursing home licensed under this chapter may employ  
6 physicians for the provision of professional services to its residents  
7 under the following conditions:

8 (a) The nursing home may not in any manner, directly or indirectly,  
9 supplant, diminish, or regulate any employed physician's judgment  
10 concerning the practice of medicine or the diagnosis and treatment of  
11 any patient; and

12 (b) The employed physicians may provide professional services only  
13 to residents of the nursing home or a related living facility.

14 (2) The employment of physicians as authorized by this section may  
15 be through the following entities:

16 (a) The entity licensed to operate the nursing home; or

17 (b) A separate entity authorized to conduct business in the state  
18 of Washington that has common or overlapping ownership as an affiliate  
19 or subsidiary of the licensee, as long as the licensee complies with  
20 subsection (3) of this section.

21 (3) Nothing in this section relieves the licensee of its ultimate  
22 responsibility for the daily operations of the nursing home.

23 (4) Nothing in this section may be construed to interfere with the  
24 federal resident rights requirements found in 42 C.F.R. 483.10, or  
25 successor rules, or found in this chapter, chapter 74.42 RCW, or the  
26 rules adopted by the department addressing resident's rights under this  
27 chapter or chapter 74.42 RCW.

28 (5) As used in this section, "related living facility" means (a) a  
29 separate nursing home that is owned, controlled, or managed by the same  
30 or an affiliated or subsidiary entity; or (b) a facility that (i)

1 provides independent living services or boarding home services under  
2 chapter 18.20 RCW, in a single contiguous campus as the nursing home,  
3 and (ii) is owned, controlled, or managed by the same or related entity  
4 as the nursing home. For purposes of this subsection "contiguous"  
5 means land adjoining or touching property on which the nursing home is  
6 located, including land divided by a public road.

7 **Sec. 2.** RCW 74.42.010 and 2010 c 94 s 27 are each reenacted and  
8 amended to read as follows:

9 Unless the context clearly requires otherwise, the definitions in  
10 this section apply throughout this chapter.

11 (1) "Department" means the department of social and health services  
12 and the department's employees.

13 (2) "Facility" refers to a nursing home as defined in RCW  
14 18.51.010.

15 (3) "Licensed practical nurse" means a person licensed to practice  
16 practical nursing under chapter 18.79 RCW.

17 (4) "Medicaid" means Title XIX of the Social Security Act enacted  
18 by the social security amendments of 1965 (42 U.S.C. Sec. 1396; 79  
19 Stat. 343), as amended.

20 (5) "Nurse practitioner" means a person licensed to practice  
21 advanced registered nursing under chapter 18.79 RCW.

22 (6) "Nursing care" means that care provided by a registered nurse,  
23 an advanced registered nurse practitioner, a licensed practical nurse,  
24 or a nursing assistant in the regular performance of their duties.

25 (7) "Physician" means a person practicing pursuant to chapter 18.57  
26 or 18.71 RCW, including, but not limited to, a physician employed by  
27 the facility as provided in chapter 18.51 RCW.

28 (8) "Physician assistant" means a person practicing pursuant to  
29 chapter((s)) 18.57A ((and)) or 18.71A RCW.

30 ((+8)) (9) "Qualified therapist" means:

31 (a) An activities specialist who has specialized education,  
32 training, or experience specified by the department.

33 (b) An audiologist who is eligible for a certificate of clinical  
34 competence in audiology or who has the equivalent education and  
35 clinical experience.

36 (c) A mental health professional as defined in chapter 71.05 RCW.

1 (d) An intellectual disabilities professional who is a qualified  
2 therapist or a therapist approved by the department and has specialized  
3 training or one year experience in treating or working with persons  
4 with intellectual or developmental disabilities.

5 (e) An occupational therapist who is a graduate of a program in  
6 occupational therapy or who has equivalent education or training.

7 (f) A physical therapist as defined in chapter 18.74 RCW.

8 (g) A social worker who is a graduate of a school of social work.

9 (h) A speech pathologist who is eligible for a certificate of  
10 clinical competence in speech pathology or who has equivalent education  
11 and clinical experience.

12 ((+9)) (10) "Registered nurse" means a person licensed to practice  
13 registered nursing under chapter 18.79 RCW.

14 ((+10)) (11) "Resident" means an individual residing in a nursing  
15 home, as defined in RCW 18.51.010.

16 NEW SECTION. **Sec. 3.** The department of social and health services  
17 shall monitor nursing homes who hire physicians on staff and report to  
18 the legislature by January 1, 2013. The report shall include  
19 information on consumer satisfaction and medical cost implications of  
20 including physicians on staff in nursing facilities."

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21 On page 1, line 1 of the title, after "homes;" strike the remainder  
22 of the title and insert "reenacting and amending RCW 74.42.010; adding  
23 a new section to chapter 18.51 RCW; and creating a new section."

EFFECT: Requires the department of social and health services to  
keep track of nursing facilities who hire doctors.

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