

EHB 2750 - S COMM AMD  
By Committee on Ways & Means

ADOPTED 03/07/2018

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that:

4 (1) Washington state is ranked number one in the nation in  
5 offering quality choices in its long-term services and supports  
6 system. Assisted living facilities are an important part of the  
7 state's long-term services and supports plan;

8 (2) Consumers should have access to current information about  
9 assisted living facilities to make informed choices;

10 (3) Washingtonians choose to live in assisted living facilities  
11 for many different reasons including safety, access to care,  
12 socialization, rehabilitation, and community;

13 (4) Deciding where to live and what kind of facility to live in  
14 are big decisions for potential residents and families. They deserve  
15 to have access to all information collected by the state to use in  
16 making their decisions. Providing transparency will allow for more  
17 informed consumer choices;

18 (5) Consumers already have access to information on nursing homes  
19 and adult family homes. This act would bring assisted living  
20 facilities in line with other settings; and

21 (6) Assisted living facilities need to be held accountable for  
22 the residents in their care and the fine structure should be  
23 reflective of that responsibility.

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.20  
25 RCW to read as follows:

26 The department shall provide information to consumers about  
27 assisted living facilities. This information must be made available  
28 online and must include information related to site visits,  
29 substantiated inspection and complaint investigation reports,

1 including any citation and remedy imposed, and a listing of licensed  
2 assisted living facilities by geographic location.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.20  
4 RCW to read as follows:

5 (1) The department shall facilitate a work group process to  
6 recommend quality metrics for assisted living facilities. The  
7 department shall keep a public record of comments submitted by  
8 stakeholders throughout the work group process.

9 (2) The work group shall consist of representatives from the  
10 department, assisted living provider associations, the long-term care  
11 ombuds; organizations with expertise in serving persons with mental  
12 health needs in an institutional setting, as selected by the  
13 department; organizations with expertise in serving persons with  
14 developmental disability needs in an institutional setting, as  
15 selected by the department; organizations with expertise in serving  
16 culturally diverse and non-English-speaking persons in an  
17 institutional setting, as selected by the department; health care  
18 professionals with experience caring for diverse and non-English-  
19 speaking patients, as selected by the department; licensed health  
20 care professionals with experience caring for geriatric patients, as  
21 selected by the department; and an Alzheimer's advocacy organization.  
22 The work group may solicit input from individuals with additional  
23 expertise, if necessary.

24 (3) The work group shall make an interim report by September 1,  
25 2019, and final recommendations to the appropriate legislative  
26 committees by September 1, 2020, and shall include a dissent report  
27 if agreement is not achieved among stakeholders and the department.

28 (4) The work group must submit recommendations for a quality  
29 metric system, propose a process for monitoring and tracking  
30 performance, and recommend a process to inform consumers.

31 (5) The department shall include at least one meeting dedicated  
32 to review and analysis of other states with quality metric  
33 methodologies for assisted living and must include information on how  
34 well each state is achieving quality care outcomes. In addressing  
35 data metrics the work group shall consider whether the data that must  
36 be reported reflect and promote quality of care and whether reporting  
37 the data is unnecessarily burdensome upon assisted living facilities.

1       **Sec. 4.** RCW 18.20.190 and 2012 c 10 s 13 are each amended to  
2 read as follows:

3       (1) The department of social and health services is authorized to  
4 take one or more of the actions listed in subsection (2) of this  
5 section in any case in which the department finds that an assisted  
6 living facility provider has:

7       (a) Failed or refused to comply with the requirements of this  
8 chapter or the rules adopted under this chapter;

9       (b) Operated an assisted living facility without a license or  
10 under a revoked license;

11       (c) Knowingly, or with reason to know, made a false statement of  
12 material fact on his or her application for license or any data  
13 attached thereto, or in any matter under investigation by the  
14 department; or

15       (d) Willfully prevented or interfered with any inspection or  
16 investigation by the department.

17       (2) When authorized by subsection (1) of this section, the  
18 department may take one or more of the following actions, using a  
19 tiered sanction grid that considers the extent of harm from the  
20 deficiency and the regularity of the occurrence of the deficiency  
21 when imposing civil fines:

22       (a) Refuse to issue a license;

23       (b) Impose reasonable conditions on a license, such as correction  
24 within a specified time, training, and limits on the type of clients  
25 the provider may admit or serve;

26       (c) Impose civil penalties of ~~((not more than))~~ at least one  
27 hundred dollars per day per violation. Until July 1, 2019, the civil  
28 penalties may not exceed one thousand dollars per day per violation.  
29 Beginning July 1, 2019, through June 30, 2020, the civil penalties  
30 may not exceed two thousand dollars per day per violation. Beginning  
31 July 1, 2020, the civil penalties may not exceed three thousand  
32 dollars per day per violation;

33       (d) Impose civil penalties of up to ten thousand dollars for a  
34 current or former licensed provider who is operating an unlicensed  
35 facility;

36       (e) Suspend, revoke, or refuse to renew a license;

37       ~~((e))~~ (f) Suspend admissions to the assisted living facility by  
38 imposing stop placement; or

1       (~~(f)~~) (g) Suspend admission of a specific category or  
2 categories of residents as related to the violation by imposing a  
3 limited stop placement.

4       (3) When the department orders stop placement or a limited stop  
5 placement, the facility shall not admit any new resident until the  
6 stop placement or limited stop placement order is terminated. The  
7 department may approve readmission of a resident to the facility from  
8 a hospital or nursing home during the stop placement or limited stop  
9 placement. The department shall terminate the stop placement or  
10 limited stop placement when: (a) The violations necessitating the  
11 stop placement or limited stop placement have been corrected; and (b)  
12 the provider exhibits the capacity to maintain correction of the  
13 violations previously found deficient. However, if upon the revisit  
14 the department finds new violations that the department reasonably  
15 believes will result in a new stop placement or new limited stop  
16 placement, the previous stop placement or limited stop placement  
17 shall remain in effect until the new stop placement or new limited  
18 stop placement is imposed.

19       (4) After a department finding of a violation for which a stop  
20 placement or limited stop placement has been imposed, the department  
21 shall make an on-site revisit of the provider within fifteen working  
22 days from the request for revisit, to ensure correction of the  
23 violation. For violations that are serious or recurring or  
24 uncorrected following a previous citation, and create actual or  
25 threatened harm to one or more residents' well-being, including  
26 violations of residents' rights, the department shall make an on-site  
27 revisit as soon as appropriate to ensure correction of the violation.  
28 Verification of correction of all other violations may be made by  
29 either a department on-site revisit or by written or photographic  
30 documentation found by the department to be credible. This subsection  
31 does not prevent the department from enforcing license suspensions or  
32 revocations. Nothing in this subsection shall interfere with or  
33 diminish the department's authority and duty to ensure that the  
34 provider adequately cares for residents, including to make  
35 departmental on-site revisits as needed to ensure that the provider  
36 protects residents, and to enforce compliance with this chapter.

37       (5) RCW 43.20A.205 governs notice of a license denial,  
38 revocation, suspension, or modification. Chapter 34.05 RCW applies to  
39 department actions under this section, except that orders of the  
40 department imposing license suspension, stop placement, limited stop

1 placement, or conditions for continuation of a license are effective  
2 immediately upon notice and shall continue pending any hearing.

3 (6) All receipts from civil penalties imposed under this chapter  
4 must be deposited in the assisted living facility temporary  
5 management account created in RCW 18.20.430.

6 (7) For the purposes of this section, "limited stop placement"  
7 means the ability to suspend admission of a specific category or  
8 categories of residents.

9 **Sec. 5.** RCW 18.20.430 and 2016 sp.s. c 36 s 912 are each amended  
10 to read as follows:

11 The assisted living facility temporary management account is  
12 created in the custody of the state treasurer. All receipts from  
13 civil penalties imposed under this chapter must be deposited into the  
14 account. Only the director or the director's designee may authorize  
15 expenditures from the account. The account is subject to allotment  
16 procedures under chapter 43.88 RCW, but an appropriation is not  
17 required for expenditures. Expenditures from the account may be used  
18 only for the protection of the health, safety, welfare, or property  
19 of residents of assisted living facilities found to be deficient.  
20 Uses of the account include, but are not limited to:

21 (1) Payment for the costs of relocation of residents to other  
22 facilities;

23 (2) Payment to maintain operation of an assisted living facility  
24 pending correction of deficiencies or closure, including payment of  
25 costs associated with temporary management authorized under this  
26 chapter; ~~((and))~~

27 (3) Reimbursement of residents for personal funds or property  
28 lost or stolen when the resident's personal funds or property cannot  
29 be recovered from the assisted living facility or third-party  
30 insurer; and

31 (4) The protection of the health, safety, welfare, and property  
32 of residents of assisted living facilities found to be noncompliant  
33 with licensing standards.

34 ~~((During the 2015-2017 fiscal biennium, the account may be~~  
35 ~~expended for funding the costs associated with the assisted living~~  
36 ~~program.))"~~

**ADOPTED 03/07/2018**

1        On page 1, line 1 of the title, after "facilities;" strike the  
2 remainder of the title and insert "amending RCW 18.20.190 and  
3 18.20.430; adding new sections to chapter 18.20 RCW; creating a new  
4 section; and prescribing penalties."

EFFECT: Adds to the work group on quality metrics for assisted living facilities, members from (1) organizations with expertise in serving culturally diverse and non-English-speaking persons in institutional settings and (2) licensed health care professionals with experience caring for diverse and non-English-speaking patients.

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