

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2750

65th Legislature
2018 Regular Session

Passed by the House March 8, 2018
Yeas 95 Nays 3

Speaker of the House of Representatives

Passed by the Senate March 7, 2018
Yeas 29 Nays 19

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2750** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2750

AS AMENDED BY THE SENATE

Passed Legislature - 2018 Regular Session

State of Washington **65th Legislature** **2018 Regular Session**

By Representatives Tharinger, Johnson, Cody, Stonier, Slatter, Robinson, Jinkins, Appleton, Muri, and Gregerson

Read first time 01/15/18. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to quality in assisted living facilities;
2 amending RCW 18.20.190 and 18.20.430; adding new sections to chapter
3 18.20 RCW; creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that:

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

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

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

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

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

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

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

9 The department shall provide information to consumers about
10 assisted living facilities. This information must be made available
11 online and must include information related to site visits,
12 substantiated inspection and complaint investigation reports,
13 including any citation and remedy imposed, and a listing of licensed
14 assisted living facilities by geographic location.

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

17 (1) The department shall facilitate a work group process to
18 recommend quality metrics for assisted living facilities. The
19 department shall keep a public record of comments submitted by
20 stakeholders throughout the work group process.

21 (2) The work group shall consist of representatives from the
22 department, assisted living provider associations, the long-term care
23 ombuds; organizations with expertise in serving persons with mental
24 health needs in an institutional setting, as selected by the
25 department; organizations with expertise in serving persons with
26 developmental disability needs in an institutional setting, as
27 selected by the department; organizations with expertise in serving
28 culturally diverse and non-English-speaking persons in an
29 institutional setting, as selected by the department; health care
30 professionals with experience caring for diverse and non-English-
31 speaking patients, as selected by the department; licensed health
32 care professionals with experience caring for geriatric patients, as
33 selected by the department; and an Alzheimer's advocacy organization.
34 The work group may solicit input from individuals with additional
35 expertise, if necessary.

36 (3) The work group shall make an interim report by September 1,
37 2019, and final recommendations to the appropriate legislative

1 committees by September 1, 2020, and shall include a dissent report
2 if agreement is not achieved among stakeholders and the department.

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

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

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

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

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

21 (b) Operated an assisted living facility without a license or
22 under a revoked license;

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

27 (d) Willfully prevented or interfered with any inspection or
28 investigation by the department.

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

34 (a) Refuse to issue a license;

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

38 (c) Impose civil penalties of ~~((not more than))~~ at least one
39 hundred dollars per day per violation. Until July 1, 2019, the civil

1 penalties may not exceed one thousand dollars per day per violation.
2 Beginning July 1, 2019, through June 30, 2020, the civil penalties
3 may not exceed two thousand dollars per day per violation. Beginning
4 July 1, 2020, the civil penalties may not exceed three thousand
5 dollars per day per violation;

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

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

10 ((+e)) (f) Suspend admissions to the assisted living facility by
11 imposing stop placement; or

12 ((+f)) (g) Suspend admission of a specific category or
13 categories of residents as related to the violation by imposing a
14 limited stop placement.

15 (3) When the department orders stop placement or a limited stop
16 placement, the facility shall not admit any new resident until the
17 stop placement or limited stop placement order is terminated. The
18 department may approve readmission of a resident to the facility from
19 a hospital or nursing home during the stop placement or limited stop
20 placement. The department shall terminate the stop placement or
21 limited stop placement when: (a) The violations necessitating the
22 stop placement or limited stop placement have been corrected; and (b)
23 the provider exhibits the capacity to maintain correction of the
24 violations previously found deficient. However, if upon the revisit
25 the department finds new violations that the department reasonably
26 believes will result in a new stop placement or new limited stop
27 placement, the previous stop placement or limited stop placement
28 shall remain in effect until the new stop placement or new limited
29 stop placement is imposed.

30 (4) After a department finding of a violation for which a stop
31 placement or limited stop placement has been imposed, the department
32 shall make an on-site revisit of the provider within fifteen working
33 days from the request for revisit, to ensure correction of the
34 violation. For violations that are serious or recurring or
35 uncorrected following a previous citation, and create actual or
36 threatened harm to one or more residents' well-being, including
37 violations of residents' rights, the department shall make an on-site
38 revisit as soon as appropriate to ensure correction of the violation.
39 Verification of correction of all other violations may be made by
40 either a department on-site revisit or by written or photographic

1 documentation found by the department to be credible. This subsection
2 does not prevent the department from enforcing license suspensions or
3 revocations. Nothing in this subsection shall interfere with or
4 diminish the department's authority and duty to ensure that the
5 provider adequately cares for residents, including to make
6 departmental on-site revisits as needed to ensure that the provider
7 protects residents, and to enforce compliance with this chapter.

8 (5) RCW 43.20A.205 governs notice of a license denial,
9 revocation, suspension, or modification. Chapter 34.05 RCW applies to
10 department actions under this section, except that orders of the
11 department imposing license suspension, stop placement, limited stop
12 placement, or conditions for continuation of a license are effective
13 immediately upon notice and shall continue pending any hearing.

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

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

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

22 The assisted living facility temporary management account is
23 created in the custody of the state treasurer. All receipts from
24 civil penalties imposed under this chapter must be deposited into the
25 account. Only the director or the director's designee may authorize
26 expenditures from the account. The account is subject to allotment
27 procedures under chapter 43.88 RCW, but an appropriation is not
28 required for expenditures. Expenditures from the account may be used
29 only for the protection of the health, safety, welfare, or property
30 of residents of assisted living facilities found to be deficient.
31 Uses of the account include, but are not limited to:

32 (1) Payment for the costs of relocation of residents to other
33 facilities;

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

38 (3) Reimbursement of residents for personal funds or property
39 lost or stolen when the resident's personal funds or property cannot

1 be recovered from the assisted living facility or third-party
2 insurer; and

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

6 (~~During the 2015-2017 fiscal biennium, the account may be~~
7 ~~expended for funding the costs associated with the assisted living~~
8 ~~program.~~)

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