

# SENATE BILL REPORT

## SSB 5864

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As Passed Senate, March 13, 1999

**Title:** An act relating to allowing residents of long-term care facilities to return to their home.

**Brief Description:** Allowing a health maintenance organization to return an individual to his or her nursing care facility.

**Sponsors:** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley, Thibaudeau and Kohl-Welles).

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 2/24/99, 3/1/99 [DPS].  
Passed Senate, 3/13/99, 42-0.

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** That Substitute Senate Bill No. 5864 be substituted therefor, and the substitute bill do pass.

Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

**Staff:** Jonathan Seib (786-7427)

**Background:** Upon discharge from a hospital, some people may require rehabilitation services in a long-term care facility. Health insurance plans typically provide coverage for such services. In some cases, a person may already be living in a long-term care facility prior to his or her hospitalization. In such cases, the health insurance plan is under no obligation to allow the person to return to that same facility to receive the rehabilitation services.

**Summary of Bill:** A health carrier that provides coverage for a person at a long-term care facility following the person's hospitalization shall, upon request, provide such coverage at the facility in which the person resided prior to the hospitalization. The requested facility must be able to meet the person's medical needs, and must agree to provide the services at the same rate and under the same terms and conditions as similar facilities with which the carrier otherwise contracts. The act may be known and cited as the "Kitson Act."

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** It is frightening for a person already in a fragile medical condition not to be allowed to go back "home" following hospitalization. Going back to familiar

surroundings and being cared for by familiar people makes a person feel safe and secure, and will help speed recovery. A person required to go to rehabilitation in an unfamiliar facility is isolated from friends and family. Under current law, people are often confronted with the difficult choice of going to an unfamiliar facility or paying for a familiar facility themselves.

**Testimony Against:** None.

**Testified:** PRO: Senator Fairley, Prime Sponsor; Karen Tynes, Washington Association of Housing and Services for the Aging; Shirley Daniel, Lars Hennem.

**House Amendment(s):** As it passed the Senate, the bill allowed a patient or that patient's legal guardian— to request that the patient be returned to the long-term care facility in which the patient resided prior to hospitalization. The House amendment replaces the term legal guardian— with the term legal representative,— and references the statute regarding informed consent for medical treatment with regard to that term. In effect, the amendment expands the number of people authorized to make the request on behalf of the patient, but allows them to make the request only when the patient is not competent to do so on his or her own behalf.