

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1426

57th Legislature
2001 Regular Legislative Session

Passed by the House March 9, 2001
Yeas 95 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate April 6, 2001
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1426** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1426

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Edmonds, Skinner, Cody, Pflug, Dunn, Schual-Berke, Boldt, Kagi, Kenney, Campbell, Conway and Marine)

Read first time 02/27/2001. Referred to Committee on .

1 AN ACT Relating to the establishment of a quality improvement
2 program for boarding homes; amending RCW 18.20.115; adding a new
3 section to chapter 18.20 RCW; and declaring an emergency.

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

5 **Sec. 1.** RCW 18.20.115 and 1997 c 392 s 213 are each amended to
6 read as follows:

7 The ~~((department's system of quality improvement for long-term care
8 services shall use))~~ department shall, within available funding for
9 this purpose, develop and make available to boarding homes a quality
10 improvement consultation program using the following principles~~((
11 consistent with applicable federal laws and regulations))~~:

12 (1) The system shall be resident-centered and promote privacy,
13 independence, dignity, choice, and a home or home-like environment for
14 residents consistent with chapter 70.129 RCW.

15 (2) The goal of the system is continuous quality improvement with
16 the focus on resident satisfaction and outcomes for residents. ~~((This
17 includes that when conducting licensing inspections, the department
18 shall interview an appropriate percentage of residents, family members,
19 and advocates in addition to interviewing appropriate staff.))~~ The

1 quality improvement consultation program shall be offered to boarding
2 homes on a voluntary basis. Based on requests for the services of the
3 quality improvement consultation program, the department may establish
4 a process for prioritizing service availability.

5 (3) ~~((Facilities))~~ Boarding homes should be supported in their
6 efforts to improve quality and address ((identified)) problems, as
7 identified by the licensee, initially through training, consultation,
8 and technical assistance. At a minimum, the department may, within
9 available funding, at the request of the boarding home, conduct on-site
10 visits and telephone consultations.

11 (4) To facilitate collaboration and trust between the boarding
12 homes and the department's quality improvement consultation program
13 staff, the consultation program staff shall not simultaneously serve as
14 department licensors, complaint investigators, or participate in any
15 enforcement-related decisions, within the region in which they perform
16 consultation activities; except such staff may investigate on an
17 emergency basis, complaints anywhere in the state when the complaint
18 indicates high risk to resident health or safety. Any records or
19 information gained as a result of their work under the quality
20 improvement consultation program shall not be disclosed to or shared
21 with nonmanagerial department licensing or complaint investigation
22 staff, unless necessary to carry out duties described under chapter
23 74.34 RCW. The emphasis should be on problem prevention ((both in
24 monitoring and in screening potential providers of service)). Nothing
25 in this section shall limit or interfere with the consultant's mandated
26 reporting duties under chapter 74.34 RCW.

27 (5) ~~((Monitoring should be outcome based and responsive to resident~~
28 ~~complaints and a clear set of health, quality of care, and safety~~
29 ~~standards that are easily understandable and have been made available~~
30 ~~to facilities.~~

31 (6) ~~Prompt and specific enforcement remedies shall also be~~
32 ~~implemented without delay, consistent with RCW 18.20.190, for~~
33 ~~facilities found to have delivered care or failed to deliver care~~
34 ~~resulting in problems that are serious, recurring, or uncorrected, or~~
35 ~~that create a hazard that is causing or likely to cause death or~~
36 ~~serious harm to one or more residents. These enforcement remedies may~~
37 ~~also include, when appropriate, reasonable conditions on a license. In~~
38 ~~the selection of remedies, the safety, health, and well being of~~
39 ~~residents shall be of paramount importance.~~

1 ~~(7) To the extent funding is available, the licensee,~~
2 ~~administrator, and their staff should be screened through background~~
3 ~~checks in a uniform and timely manner to ensure that they do not have~~
4 ~~a criminal history that would disqualify them from working with~~
5 ~~vulnerable adults. Employees may be provisionally hired pending the~~
6 ~~results of the background check if they have been given three positive~~
7 ~~references.~~

8 ~~(8))~~ The department shall promote the development of a training
9 system that is practical and relevant to the needs of residents and
10 staff. To improve access to training, especially for rural
11 communities, the training system may include, but is not limited to,
12 the use of satellite technology distance learning that is coordinated
13 through community colleges or other appropriate organizations.

14 ~~((9) No licensee, administrator, or staff, or prospective~~
15 ~~licensee, administrator, or staff, with a stipulated finding of fact,~~
16 ~~conclusion of law, and agreed order, or finding of fact, conclusion of~~
17 ~~law, or final order issued by a disciplining authority, a court of law,~~
18 ~~or entered into the state registry finding him or her guilty of abuse,~~
19 ~~neglect, exploitation, or abandonment of a minor or a vulnerable adult~~
20 ~~as defined in chapter 74.34 RCW shall be employed in the care of and~~
21 ~~have unsupervised access to vulnerable adults.))~~

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

24 (1) Monitoring should be outcome based and responsive to resident
25 complaints and a clear set of health, quality of care, and safety
26 standards that are easily understandable and have been made available
27 to facilities. This includes that when conducting licensing
28 inspections, the department shall interview an appropriate percentage
29 of residents, family members, and advocates in addition to interviewing
30 appropriate staff.

31 (2) Prompt and specific enforcement remedies shall also be
32 implemented without delay, consistent with RCW 18.20.190, for
33 facilities found to have delivered care or failed to deliver care
34 resulting in problems that are serious, recurring, or uncorrected, or
35 that create a hazard that is causing or likely to cause death or
36 serious harm to one or more residents. These enforcement remedies may
37 also include, when appropriate, reasonable conditions on a license. In

1 the selection of remedies, the safety, health, and well-being of
2 residents shall be of paramount importance.

3 (3) To the extent funding is available, the licensee,
4 administrator, and their staff should be screened through background
5 checks in a uniform and timely manner to ensure that they do not have
6 a criminal history that would disqualify them from working with
7 vulnerable adults. Employees may be provisionally hired pending the
8 results of the background check if they have been given three positive
9 references.

10 (4) No licensee, administrator, or staff, or prospective licensee,
11 administrator, or staff, with a stipulated finding of fact, conclusion
12 of law, and agreed order, or finding of fact, conclusion of law, or
13 final order issued by a disciplining authority, a court of law, or
14 entered into the state registry finding him or her guilty of abuse,
15 neglect, exploitation, or abandonment of a minor or a vulnerable adult
16 as defined in chapter 74.34 RCW shall be employed in the care of and
17 have unsupervised access to vulnerable adults.

18 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
19 preservation of the public peace, health, or safety, or support of the
20 state government and its existing public institutions, and takes effect
21 immediately.

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