

SENATE BILL REPORT

SSB 6160

As Passed Senate, February 12, 2004

Title: An act relating to fairness and accuracy in the distribution of risk.

Brief Description: Regarding fairness and accuracy in the distribution of risk in boarding homes and nursing homes.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Parlette, Keiser and Pflug).

Brief History:

Committee Activity: Health & Long-Term Care: 1/20/04, 2/4/04 [DPS].

Passed Senate: 2/12/04, 47-0.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 6160 be substituted therefor, and the substitute bill do pass.

Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Staff: Rhoda Donkin (786-7198)

Background: The Department of Social and Health Services (DSHS) makes regular unannounced inspections of boarding homes, and responds to complaints under terms described in statute. Complaints involving imminent danger to the health, safety, or well-being of a resident must be responded to within two days. The department is authorized to take actions if licensees fail to meet licensing requirements, if they operate without a license, provide false information or interfere with inspections or investigations. Any of the above may be cause for the department to refuse an initial license, to levy civil penalties, or to suspend, revoke, or deny renewal.

Boarding home records and documents of all types, with the exception of financial records, must be made available for inspection by DSHS upon request.

Under state law, long-term care facilities may not request that residents sign waivers of potential liability for losses of personal property or injury. This has been interpreted to mean that providers may not enter into arbitration agreements with residents.

Summary of Bill: All department findings of boarding home deficiencies must reference the specific relevant statute or regulation violated. All on-site inspections, re-inspections or complaint investigations must include daily communication of potential concerns, and conclude with face-to-face conferences with licensees. Increased opportunity for input into the process by the licensees are described.

Nursing homes and licensed boarding homes must establish quality assurance committees to identify issues related to quality of care. The department and the long-term care ombudsman may not request documents used and generated by these committees except under certain circumstances.

If during an inspection or re-inspection by the department, a boarding home corrects a violation or deficiency that was never found before and had caused no harm, the licensor will not cite the boarding home for the violation.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This will promote trust and create outcome-based inspections. It will save money without negative impacts on resident care.

Testimony Against: There are sections of this bill that will result in facilities getting away with poor practices and unsafe conditions.

Testified: Deb Murphy, WAHSA (pro); Lauri St. Ours, NDRALFA (pro); Stacey Baker, Emeritus Assisted Living (pro); Kary Hyre, LTC Ombudsman (con); Hilke Faber, Resident Councils of WA (con); Jeff Crollard, LTCOP (con); Pat Lashway, DSHS (con).

Signed In/Did Not Testify: Ginger Marshall, Faerland Terrace (pro); Kary Hyre, Long-Term Care Ombudsman (con); Ruth Shearer, Resident Councils of WA (con).

House Amendment(s): All language in the Senate substitute is replaced with the following two provisions:

Boarding homes may create quality assurance committees. The records and reports of these committees are not available to DSHS or the LTC Ombudsman except under specific circumstances.

Inspections of the financial records of boarding homes is authorized if there is probable cause to believe financial obligations related to patient care or services will not be met.