

SENATE BILL REPORT

SB 6809

As of January 30, 2006

Title: An act relating to resident participation in the informal dispute resolution process.

Brief Description: Increasing resident participation in the informal dispute resolution process under chapters 18.20 and 18.51 RCW.

Sponsors: Senator Keiser.

Brief History:

Committee Activity: Health & Long-Term Care: 1/30/06.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Staff: Sharon Swanson (786-7447)

Background: A boarding home provider has the right to review and reconsideration of a Department of Social and Health Services (DSHS) finding of regulatory non-compliance through an Informal Dispute Resolution (IDR) process. The IDR process allows the provider an opportunity to share information with a DSHS staff person who was not involved in the citation process. These citations may involve problems with the care of residents, violations of residents' rights, inadequate staffing, or other concerns.

For the past two years, a statewide pilot project has allowed boarding home residents to participate in the IDR process. Residents and their representatives are able to provide additional information to DSHS in a meeting separate from DSHS's initial meeting with the facility provider. The separate meeting ensures privacy and allows for a candid exchange.

Currently, the statewide pilot project does not include nursing homes. The existing pilot project is scheduled to end in March, 2006.

Summary of Bill: During an informal dispute resolution (IDR) process, the Department of Social and Health Services is required to provide an opportunity for input from interested residents and resident representatives.

The resident and resident representative input must be provided in a meeting, conducted either by telephone or in person, but must be separate from DSHS's meeting with the facility provider.

Resident representative is defined as individuals with authority to act on behalf of residents with diminished capacity, including guardians, trustees, agents holding durable power of attorney, and family members with appropriate statutory authority.

Appropriation: None.

Fiscal Note: Requested January 27, 2006.

Committee/Commission/Task Force Created: No.

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

Testimony For: The Long Term Care Ombudsman should be allowed to participate in the Informal Dispute Resolution process in lieu of residents when a resident requests it. The bill should be limited to residents affected by a citation, not all interested residents.

This bill is necessary because it provides due process for residents of boarding homes. A resident has as much interest in a well run boarding home as the boarding home provider. The Department of Social and Health Services should be talking to the residents as part of their investigation process. How can an investigation be thorough when you neglect to speak to the party that is directly affected? It seems strange that this would not already be taking place.

Testimony Against: None.

Who Testified: PRO: Julie Peterson, Washington Association of Housing and Services for the Aging; Hilke Faber, Resident Councils of Washington; Kary Hyre, Long Term Care Ombudsman; Ruth Shearer, Senior Lobby.