
Health Care & Wellness Committee

HB 1859

Brief Description: Concerning the rights of residents in long-term care facilities.

Sponsors: Representatives Simmons, Harris and Ryu.

Brief Summary of Bill

- Applies the rights available to the residents of nursing homes under federal law to the residents of all long-term care facilities under state long-term care resident rights provisions.
- Adds nursing homes to all the state long-term care resident rights provisions that apply to other long-term care facilities.

Hearing Date: 1/19/24

Staff: Chris Blake (786-7392).

Background:

Long-Term Care Facilities.

The Department of Social and Health Services licenses four primary types of residential long-term care settings: nursing homes, assisted living facilities, adult family homes, and enhanced services facilities.

- Nursing Homes: Nursing homes provide continuous 24-hour convalescent and chronic care. Such care may include the administration of medications, preparation of special diets, bedside nursing care, application of dressings and bandages, and carrying out treatment prescribed by licensed health care providers.
- Assisted Living Facilities: Assisted living facilities are facilities that provide housing and basic services to seven or more residents. Services provided by assisted living facilities

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include housekeeping, meals, snacks, laundry, and activities. They may also provide domiciliary care including assistance with activities of daily living, health support services, and intermittent nursing services.

- Adult Family Homes: Adult family homes are facilities licensed to care for up to eight individuals who need long-term care. These homes provide room, board, laundry, necessary supervision, and assistance with activities of daily living, personal care, and nursing services.
- Enhanced Services Facilities: Enhanced services facilities provide treatment and services to persons who do not have a medical need for acute inpatient treatment and have been determined by the Department of Social and Health Services to be inappropriate for placement in other licensed facilities because of complex needs that result in behavioral and security issues.

In addition, the Washington State Department of Veterans Affairs operates four state veterans' homes. These homes provide room and board, medical and dental care, physical and occupational therapy, and recreational activities to certain veterans and their spouses.

Long-Term Care Resident Rights.

Residents of long-term care settings have specific rights under state law that are common across settings. The rights apply to residents of assisted living facilities, adult family homes, enhanced services facilities, veterans' homes, and, in some instances, nursing homes. The rights cover a broad range of topics, including self-determination, communication, access to clinical records, availability of services, management of financial affairs, privacy and confidentiality of personal and clinical records, expression of grievances, visitation, and personal possessions.

Federal law has established requirements for nursing homes that participate in the Medicare program. The requirements address a range of topics including resident rights, resident assessments, physician services, nursing services, food and nutrition services, quality assurance, infection control, and the physical environment. With respect to resident rights, the federal requirements have both general rights and specific rights. The general rights cover free choice, freedom from restraints, privacy, confidentiality, accommodation of needs, expression of grievances, participation in resident and family groups, participation in other activities, examination of survey results, and refusal of certain transfers. The specific rights relate to transfer and discharge rights, access and visitation rights, equal access to quality care, admissions practices, protection of resident funds, and limitations of charges.

Summary of Bill:

The rights that are available to residents in nursing facilities under federal law are made applicable to residents in all long-term care facilities under state long-term care resident rights provisions. Nursing homes are added to the state long-term care resident rights provisions. The Department of Social and Health Services and the Department of Veteran's Affairs must adopt rules, policies, and standards to further the intent and purposes of the long-term care resident rights provisions.

Appropriation: None.

Fiscal Note: Requested on January 10, 2024.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.