

2 ESHB 2100 - S COMM AMD
3 By Committee on Ways & Means

4 Adopted 4/19/91 - Voice Vote
5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.38 RCW
8 to read as follows:

9 (1) The legislature recognizes that in this state ethnic minorities
10 currently use nursing home care at a lower rate than the general
11 population. The legislature also recognizes and supports the federal
12 mandate that nursing homes receiving federal funds provide residents
13 with a homelike environment. The legislature finds that certain ethnic
14 minorities have special cultural, language, dietary, and other needs
15 not generally met by existing nursing homes which are intended to serve
16 the general population. Accordingly, the legislature further finds
17 that there is a need to foster the development of nursing homes
18 designed to serve the special cultural, language, dietary, and other
19 needs of ethnic minorities.

20 (2) The department shall establish a separate pool of no more than
21 two hundred fifty beds for nursing homes designed to serve the special
22 needs of ethnic minorities. The pool shall be made up of nursing home
23 beds that become available on or after March 15, 1991, due to:

24 (a) Loss of license or reduction in licensed bed capacity if the
25 beds are not otherwise obligated for replacement; or

26 (b) Expiration of a certificate of need.

27 (3) The department shall develop procedures for the fair and
28 efficient award of beds from the special pool. In making its decisions

1 regarding the award of beds from the pool, the department shall
2 consider at least the following:

3 (a) The relative degree to which the long-term care needs of an
4 ethnic minority are not otherwise being met;

5 (b) The percentage of low-income persons who would be served by the
6 proposed nursing home;

7 (c) The financial feasibility of the proposed nursing home; and

8 (d) The impact of the proposal on the area's total need for nursing
9 home beds.

10 (4) To be eligible to apply for or receive an award of beds from
11 the special pool, an application must be to build a new nursing home,
12 or add beds to a nursing home, that:

13 (a) Will be owned and operated by a nonprofit corporation, and at
14 least fifty percent of the board of directors of the corporation are
15 members of the ethnic minority the nursing home is intended to serve;

16 (b) Will be designed, managed, and administered to serve the
17 special cultural, language, dietary, and other needs of an ethnic
18 minority; and

19 (c) Will not discriminate in admissions against persons who are not
20 members of the ethnic minority whose special needs the nursing home is
21 designed to serve.

22 (5) If a nursing home or portion of a nursing home that is built as
23 a result of an award from the special pool is sold or leased within ten
24 years to a party not eligible under subsection (4) of this section:

25 (a) The purchaser or lessee may not operate those beds as nursing
26 home beds without first obtaining a certificate of need for new beds
27 under this chapter; and

28 (b) The beds that had been awarded from the special pool shall be
29 returned to the special pool.

1 (6) The department shall initially award up to one hundred beds
2 before that number of beds are actually in the special pool, provided
3 that the number of beds so awarded are subtracted from the total of two
4 hundred fifty beds that can be awarded from the special pool."

5 "NEW SECTION. **Sec. 2.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and shall take
8 effect immediately."

9 "NEW SECTION. **Sec. 3.** If specific funding for the purposes of
10 this act, referencing this act by bill number, is not provided by June
11 30, 1991, in the omnibus appropriations act, this act shall be null and
12 void."

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16 On page 1, line 1 of the title, after "minorities;" strike the
17 remainder of the title and insert "adding a new section to chapter
18 70.38 RCW; creating a new section; and declaring an emergency."