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ENGROSSED SUBSTITUTE HOUSE BILL 2100

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State of Washington                      52nd Legislature                      1991 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Braddock, Locke, Wineberry and Wang).

Read first time March 6, 1991.

1            AN ACT Relating to nursing homes for underserved ethnic minorities;  
2 adding a new section to chapter 70.38 RCW; and declaring an emergency.

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

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 70.38 RCW  
5 to read as follows:

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

1 designed to serve the special cultural, language, dietary, and other  
2 needs of ethnic minorities.

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

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

9 (b) Expiration of a certificate of need.

10 (3) The department shall develop procedures for the fair and  
11 efficient award of beds from the special pool. In making its decisions  
12 regarding the award of beds from the pool, the department shall  
13 consider at least the following:

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

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

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

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

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

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

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

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

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

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

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

12 (6) The department shall initially award up to one hundred beds  
13 before that number of beds are actually in the special pool, provided  
14 that the number of beds so awarded are subtracted from the total of two  
15 hundred fifty beds that can be awarded from the special pool.

16 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
17 preservation of the public peace, health, or safety, or support of the  
18 state government and its existing public institutions, and shall take  
19 effect immediately.