
SENATE BILL 6088

State of Washington

52nd Legislature

1992 Regular Session

By Senator Sellar

Read first time 01/15/92. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to prohibiting discrimination based on source of
2 payment for nursing home services; and amending RCW 74.42.055.

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

4 **Sec. 1.** RCW 74.42.055 and 1987 c 476 s 30 are each amended to read
5 as follows:

6 (1) The purpose of this section is to prohibit discrimination
7 against:

8 (a) Medicaid recipients by nursing homes ((which)) that have
9 contracted with the department to provide skilled or intermediate
10 nursing care services to medicaid recipients; and

11 (b) Any nursing home patients based on the patient's source of
12 payment.

13 (2) It shall be unlawful for any nursing home which has a medicaid
14 contract with the department:

1 (a) To require, as a condition of admission, assurance from the
2 patient or any other person that the patient is not eligible for or
3 will not apply for medicaid or for any other financial aid;

4 (b) To deny or delay admission or readmission of a person to a
5 nursing home because of his or her status as a medicaid recipient or
6 because of the source of payment for nursing home services;

7 (c) To transfer a patient, except from a private room to another
8 room within the nursing home, because of his or her status as a
9 medicaid recipient or because of the source of payment for nursing home
10 services;

11 (d) To transfer a patient to another nursing home because of his or
12 her status as a medicaid recipient or because of the source of payment
13 for nursing home services;

14 (e) To fail to provide services or to provide inadequate services
15 required or authorized under this chapter to patients solely because of
16 the source of payment for nursing home services;

17 (f) To discharge a patient from a nursing home because of his or
18 her status as a medicaid recipient or because of the source of payment
19 for nursing home services; or

20 ((+f)) (g) To charge medicaid patients any amounts in excess of
21 the medicaid rate from the date of eligibility, except for any
22 supplementation permitted by the department pursuant to RCW 18.51.070.

23 (3) Any nursing home ((which)) that has a medicaid contract with
24 the department shall maintain one list of names of persons seeking
25 admission to the facility, which is ordered by the date of request for
26 admission. This information shall be retained for one year from the
27 month admission was requested.

28 (4) The department may assess monetary penalties of a civil nature,
29 not to exceed three thousand dollars for each violation of this
30 section.

1 (5) Because it is a matter of great public importance to protect
2 senior citizens ((~~who need medicaid services~~)) from discriminatory
3 treatment in obtaining long-term health care, any violation of this
4 section shall be construed for purposes of the application of the
5 consumer protection act, chapter 19.86 RCW, to constitute an unfair or
6 deceptive act or practice or unfair method of competition in the
7 conduct of trade or commerce.

8 (6) It is not an act of discrimination under this chapter to refuse
9 to admit a patient if admitting that patient would prevent the needs of
10 the other patients residing in that facility from being met at that
11 facility.