

---

SECOND SUBSTITUTE SENATE BILL 5766

---

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators  
Wojahn, Long, Franklin, Winsley, Rasmussen and Costa)

Read first time 03/08/1999.

1 AN ACT Relating to the long-term care ombudsman program; amending  
2 RCW 43.190.060; adding a new section to chapter 43.190 RCW; and  
3 declaring an emergency.

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

5 **Sec. 1.** RCW 43.190.060 and 1995 1st sp.s. c 18 s 33 are each  
6 amended to read as follows:

7 A long-term care ombudsman shall:

8 (1) Identify, investigate, and resolve complaints made by or on  
9 behalf of residents of long-term care facilities relating to  
10 administrative action, inaction, or decisions which may adversely  
11 affect the health, safety, welfare, and rights of these individuals;

12 (2) Monitor the development and implementation of federal, state,  
13 and local laws, rules, regulations, and policies with respect to long-  
14 term care facilities in this state;

15 (3) Provide information as appropriate to residents, resident  
16 representatives, and others regarding the rights of residents, and to  
17 public agencies regarding the problems of individuals residing in long-  
18 term care facilities; and

1 (4) Provide for training volunteers and promoting the development  
2 of citizen organizations to participate in the ombudsman program. ((A  
3 volunteer long-term care ombudsman shall be able to identify and  
4 resolve problems regarding the care of residents in long-term care  
5 facilities and to assist such residents in the assertion of their civil  
6 and human rights. However, volunteers shall not be used for complaint  
7 investigations but may engage in fact-finding activities to determine  
8 whether a formal complaint should be submitted to the department.)) A  
9 trained volunteer long-term care ombudsman, in accordance with the  
10 policies and procedures established by the state long-term care  
11 ombudsman program, shall inform residents, their representatives, and  
12 others about the rights of residents, and may identify, investigate,  
13 and resolve complaints made by or on behalf of residents of long-term  
14 care facilities relating to action, inaction, or decisions, that may  
15 adversely affect the health, safety, welfare, and rights of these  
16 individuals.

17 Nothing in chapter . . . , Laws of 1999 (this act) shall be  
18 construed to empower the state long-term care ombudsman or any local  
19 long-term care ombudsman with statutory or regulatory licensing or  
20 sanctioning authority.

21 NEW SECTION. Sec. 2. A new section is added to chapter 43.190 RCW  
22 to read as follows:

23 A local long-term care ombudsman, including a trained volunteer  
24 long-term care ombudsman, shall have the duties and authority set forth  
25 in the federal older Americans act (42 U.S.C. Sec. 3058 et seq.) for  
26 local ombudsmen. The state long-term care ombudsman and  
27 representatives of the office of the state long-term care ombudsman,  
28 shall have the duties and authority set forth in the federal older  
29 Americans act for the state long-term care ombudsman and  
30 representatives of the office of the state long-term care ombudsman.

31 NEW SECTION. Sec. 3. If any provision of this act or its  
32 application to any person or circumstance is held invalid, the  
33 remainder of the act or the application of the provision to other  
34 persons or circumstances is not affected.

35 NEW SECTION. Sec. 4. This act is necessary for the immediate  
36 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect  
2 immediately.

--- END ---