

---

**SUBSTITUTE SENATE BILL 5864**

---

**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley, Thibaudeau and Kohl-Welles)

Read first time 03/03/99.

1       AN ACT Relating to allowing residents of long-term care facilities  
2 to return to their home; adding a new section to chapter 48.43 RCW; and  
3 creating new sections.

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

5       NEW SECTION. **Sec. 1.** The legislature finds that a long-term care  
6 facility is home for any individual who resides there, and the  
7 individual has the right to receive services in his or her own home and  
8 to be cared for by the organization with which he or she has a  
9 contractual agreement to provide housing and related services. The  
10 legislature further finds that restricting individuals from returning  
11 to the long-term care facility in which they were residing prior to  
12 hospitalization may detrimentally impact the health and well-being of  
13 frail individuals and their families.

14       NEW SECTION. **Sec. 2.** A new section is added to chapter 48.43 RCW  
15 to read as follows:

16       (1) A carrier that provides coverage for a person at a long-term  
17 care facility following the person's hospitalization shall, upon the  
18 request of the person or his or her legal guardian, provide such

1 coverage at the facility in which the person resided immediately prior  
2 to the hospitalization if:

3 (a) The person's primary care physician determines that the medical  
4 care needs of the person can be met at the requested facility;

5 (b) The requested facility has all applicable licenses and  
6 certifications, and is not under a stop placement order that prevents  
7 the person's readmission;

8 (c) The requested facility agrees to accept payment from the  
9 carrier for covered services at the rate paid to similar facilities  
10 that otherwise contract with the carrier to provide such services; and

11 (d) The requested facility, with regard to the following, agrees to  
12 abide by the standards, terms, and conditions required by the carrier  
13 of similar facilities with which the carrier otherwise contracts: (i)  
14 Utilization review, quality assurance, and peer review; and (ii)  
15 management and administrative procedures, including data and financial  
16 reporting that may be required by the carrier.

17 (2) For purposes of this section, "long-term care facility" or  
18 "facility" means a nursing facility licensed under chapter 18.51 RCW,  
19 continuing care retirement community defined under RCW 70.38.025,  
20 boarding home licensed under chapter 18.20 RCW, or assisted living  
21 facility.

22 NEW SECTION. **Sec. 3.** This act may be known and cited as the  
23 Kitson act.

--- END ---