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SENATE BILL 5864

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State of Washington

56th Legislature

1999 Regular Session

By Senators Fairley, Thibaudeau and Kohl-Welles

Read first time 02/12/1999. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to allowing residents of long-term care facilities  
2 to return to their home; adding a new section to chapter 48.46 RCW; and  
3 creating a new section.

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 the individual residing therein, 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 health maintenance organizations, or any  
11 other similar health plan, that restricts individuals from returning to  
12 the long-term care facility in which they were residing prior to  
13 hospitalization may be impacting the health and well-being of frail  
14 individuals and their families.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.46 RCW  
16 to read as follows:

17 Upon the request of the patient, or his or her legal  
18 representative, a health maintenance organization licensed under this

1 chapter shall discharge individuals from a hospital stay, back to the  
2 nursing facility licensed under chapter 18.51 RCW, continuing care  
3 retirement community defined under RCW 70.38.025, boarding home  
4 licensed under chapter 18.20 RCW, or assisted living facility in which  
5 they resided prior to the hospital stay, provided that the following  
6 conditions are met:

7 (1) The primary care physician determines that the individual needs  
8 a specific level of care and refers the enrollee to that nursing home  
9 facility, continuing care retirement community, boarding home, or  
10 assisted living facility's appropriate care setting. If the attending  
11 physician is unable to provide care for the patient at that nursing  
12 home facility, continuing care retirement community, boarding home, or  
13 assisted living facility, the attending physician shall transfer the  
14 care to another physician who is willing and able to follow the  
15 patient's care at that facility;

16 (2) The nursing facility, continuing care retirement community,  
17 boarding home, or assisted living facility agrees to be reimbursed at  
18 the rate that the health maintenance organization plan company's  
19 contract rate negotiated with similar providers for the same services  
20 and supplies; and

21 (3) The nursing facility, continuing care retirement community,  
22 boarding home, or assisted living facility meets all guidelines  
23 established by the health maintenance organization plan company related  
24 to health, safety, and quality of care standards, and other appropriate  
25 criteria applicable to providers under contract for the same services  
26 and supplies.

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