

HOUSE BILL REPORT

SSB 6160

As Reported by House Committee On:

Health Care

Title: An act relating to fairness and accuracy in the distribution of risk.

Brief Description: Regarding fairness and accuracy in the distribution of risk in boarding homes and nursing homes.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Parlette, Keiser and Pflug).

Brief History:

Committee Activity:

Health Care: 2/19/04, 2/26/04 [DPA].

Brief Summary of Substitute Bill (As Amended by House Committee)

- Allows the creation of quality assurance committees in boarding homes.
- Authorizes inspections of a boarding home's financial records if there is probable cause to believe financial obligations related to patient care or services will not be met.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: Do pass as amended. Signed by 12 members: Representatives Cody, Chair; Morrell, Vice Chair; Bailey, Ranking Minority Member; Alexander, Benson, Campbell, Clibborn, Darneille, Moeller, Rodne, Schual-Berke and Skinner.

Staff: Dave Knutson (786-7146).

Background:

The Department of Social and Health Services (DSHS) makes regular unannounced inspections of boarding homes, and responds to complaints under terms described in statute. Complaints involving imminent danger to the health, safety, or well-being of a resident must be responded to within two days. The DSHS is authorized to take actions if licensees fail to meet licensing requirements, if they operate without a license, provide

false information or interfere with inspections or investigations. Any of the above may be cause for the DSHS to refuse an initial license, to levy civil penalties, or to suspend, revoke, or deny renewal.

Boarding home records and documents of all types, with the exception of financial records, must be made available for inspection by the DSHS upon request.

Under state law, long-term care facilities may not request that residents sign waivers of potential liability for losses of personal property or injury. This has been interpreted to mean that providers may not enter into arbitration agreements with residents.

Summary of Amended Bill:

Boarding homes may have quality assurance committees. Boarding home financial records may be reviewed by the DSHS during inspections if there is reasonable cause to believe financial obligations related to patient care or services will not be met.

If during an inspection or re-inspection by the DSHS, a boarding home corrects a violation or deficiency that was never found before and had caused no harm, the licenser will not cite the boarding home for the violation.

Amended Bill Compared to Substitute Bill:

The requirement that reinspections and complaint investigations be outcome-based and responsive to resident complaints is deleted. The requirement that nursing homes have a quality assurance committee is deleted. The requirement that all boarding home deficiencies reference the specific relevant statute or regulation is deleted.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: State licenses should be more specific when they cite boarding homes for deficiencies. Boarding home operators should have more opportunities to interact with state licensers before the final report is written. Nursing homes and boarding homes should establish quality assurance committees.

Testimony Against: This proposal would give boarding home operators too much input in licensing and complaint investigations. Residents and their advocates should have the

same access to state licensors as the boarding home operators.

Persons Testifying: (In support) Deb Murphy, Washington Association of Housing and Services for the Aging; Lauri St. Ours, Northwest Assisted Living Facilities Association; and Brendan Williams, Washington Health Care Association.

(Opposed) Kary Hyre and Jeff Crollard, Long-term Care Ombudsman Program; and Hilke Faber, Resident Councils of Washington.

Persons Signed In To Testify But Not Testifying: None.