
HOUSE BILL 1263

State of Washington 58th Legislature 2003 Regular Session

By Representatives Sump, Bush, Condotta, Mielke, Woods and Cox

Read first time 01/22/2003. Referred to Committee on Health Care.

1 AN ACT Relating to transferring responsibilities related to nursing
2 homes from the department of social and health services to the
3 department of health; amending RCW 18.51.010, 74.42.010, and 74.42.600;
4 and creating a new section.

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

6 **Sec. 1.** RCW 18.51.010 and 1983 c 236 s 1 are each amended to read
7 as follows:

8 (1) "Nursing home" means any home, place or institution which
9 operates or maintains facilities providing convalescent or chronic
10 care, or both, for a period in excess of twenty-four consecutive hours
11 for three or more patients not related by blood or marriage to the
12 operator, who by reason of illness or infirmity, are unable properly to
13 care for themselves. Convalescent and chronic care may include but not
14 be limited to any or all procedures commonly employed in waiting on the
15 sick, such as administration of medicines, preparation of special
16 diets, giving of bedside nursing care, application of dressings and
17 bandages, and carrying out of treatment prescribed by a duly licensed
18 practitioner of the healing arts. It may also include care of mentally
19 incompetent persons. It may also include community-based care.

1 Nothing in this definition shall be construed to include general
2 hospitals or other places which provide care and treatment for the
3 acutely ill and maintain and operate facilities for major surgery or
4 obstetrics, or both. Nothing in this definition shall be construed to
5 include any boarding home, guest home, hotel or related institution
6 which is held forth to the public as providing, and which is operated
7 to give only board, room and laundry to persons not in need of medical
8 or nursing treatment or supervision except in the case of temporary
9 acute illness. The mere designation by the operator of any place or
10 institution as a hospital, sanitarium, or any other similar name, which
11 does not provide care for the acutely ill and maintain and operate
12 facilities for major surgery or obstetrics, or both, shall not exclude
13 such place or institution from the provisions of this chapter:
14 PROVIDED, That any nursing home providing psychiatric treatment shall,
15 with respect to patients receiving such treatment, comply with the
16 provisions of RCW 71.12.560 and 71.12.570.

17 (2) "Person" means any individual, firm, partnership, corporation,
18 company, association, or joint stock association, and the legal
19 successor thereof.

20 (3) "Secretary" means the secretary of the department of (~~social~~
21 ~~and health services~~) health.

22 (4) "Department" means the state department of (~~social and health~~
23 ~~services~~) health.

24 (5) "Community-based care" means but is not limited to the
25 following:

26 (a) Home delivered nursing services;

27 (b) Personal care;

28 (c) Day care;

29 (d) Nutritional services, both in-home and in a communal dining
30 setting;

31 (e) Habilitation care; and

32 (f) Respite care.

33 **Sec. 2.** RCW 74.42.010 and 1994 sp.s. c 9 s 750 are each amended to
34 read as follows:

35 Unless the context clearly requires otherwise, the definitions in
36 this section apply throughout this chapter.

1 (1) "Department" means the department of (~~social and health~~
2 ~~services~~) health and the department's employees.

3 (2) "Facility" refers to a nursing home as defined in RCW
4 18.51.010.

5 (3) "Licensed practical nurse" means a person licensed to practice
6 practical nursing under chapter 18.79 RCW.

7 (4) "Medicaid" means Title XIX of the Social Security Act enacted
8 by the social security amendments of 1965 (42 U.S.C. Sec. 1396; 79
9 Stat. 343), as amended.

10 (5) "Nursing care" means that care provided by a registered nurse,
11 an advanced registered nurse practitioner, a licensed practical nurse,
12 or a nursing assistant in the regular performance of their duties.

13 (6) "Qualified therapist" means:

14 (a) An activities specialist who has specialized education,
15 training, or experience specified by the department.

16 (b) An audiologist who is eligible for a certificate of clinical
17 competence in audiology or who has the equivalent education and
18 clinical experience.

19 (c) A mental health professional as defined in chapter 71.05 RCW.

20 (d) A mental retardation professional who is a qualified therapist
21 or a therapist approved by the department and has specialized training
22 or one year experience in treating or working with the mentally
23 retarded or developmentally disabled.

24 (e) An occupational therapist who is a graduate of a program in
25 occupational therapy or who has equivalent education or training.

26 (f) A physical therapist as defined in chapter 18.74 RCW.

27 (g) A social worker who is a graduate of a school of social work.

28 (h) A speech pathologist who is eligible for a certificate of
29 clinical competence in speech pathology or who has equivalent education
30 and clinical experience.

31 (7) "Registered nurse" means a person licensed to practice
32 registered nursing under chapter 18.79 RCW.

33 (8) "Resident" means an individual residing in a nursing home, as
34 defined in RCW 18.51.010.

35 (9) "Physician assistant" means a person practicing pursuant to
36 chapters 18.57A and 18.71A RCW.

37 (10) "Nurse practitioner" means a person licensed to practice
38 advanced registered nursing under chapter 18.79 RCW.

1 **Sec. 3.** RCW 74.42.600 and 1995 c 282 s 5 are each amended to read
2 as follows:

3 (1) In addition to the inspection required by chapter 18.51 RCW,
4 the department shall inspect the facility for compliance with resident
5 rights and direct care standards of this chapter. The department may
6 inspect any and all other provisions randomly, by exception profiles,
7 or during complaint investigations.

8 (2) If the facility has not complied with all the requirements of
9 this chapter, the department shall notify the facility in writing that
10 the facility is in noncompliance and describe the reasons for the
11 facility's noncompliance and the department may impose penalties in
12 accordance with RCW 18.51.060.

13 ~~((3) To avoid unnecessary duplication in inspections, the
14 department shall coordinate with the department of health when
15 inspecting medicaid certified or medicare certified, or both, long term
16 care beds in hospitals for compliance with Title XVIII or XIX of the
17 social security act.))~~

18 NEW SECTION. **Sec. 4.** (1) All powers, duties, and functions of the
19 department of social and health services pertaining to nursing homes
20 are transferred to the department of health. All references to the
21 director or the department of social and health services in the Revised
22 Code of Washington shall be construed to mean the director or the
23 department of health when referring to the functions transferred in
24 this section.

25 (2)(a) All reports, documents, surveys, books, records, files,
26 papers, or written material in the possession of the department of
27 social and health services pertaining to the powers, functions, and
28 duties transferred shall be delivered to the custody of the department
29 of health. All cabinets, furniture, office equipment, motor vehicles,
30 and other tangible property employed by the department of social and
31 health services in carrying out the powers, functions, and duties
32 transferred shall be made available to the department of health. All
33 funds, credits, or other assets held in connection with the powers,
34 functions, and duties transferred shall be assigned to the department
35 of health.

36 (b) Any appropriations made to the department of social and health

1 services for carrying out the powers, functions, and duties transferred
2 shall, on the effective date of this section, be transferred and
3 credited to the department of health.

4 (c) Whenever any question arises as to the transfer of any
5 personnel, funds, books, documents, records, papers, files, equipment,
6 or other tangible property used or held in the exercise of the powers
7 and the performance of the duties and functions transferred, the
8 director of financial management shall make a determination as to the
9 proper allocation and certify the same to the state agencies concerned.

10 (3) All employees of the department of social and health services
11 engaged in performing the powers, functions, and duties transferred are
12 transferred to the jurisdiction of the department of health. All
13 employees classified under chapter 41.06 RCW, the state civil service
14 law, are assigned to the department of health to perform their usual
15 duties upon the same terms as formerly, without any loss of rights,
16 subject to any action that may be appropriate thereafter in accordance
17 with the laws and rules governing state civil service.

18 (4) All rules and all pending business before the department of
19 social and health services pertaining to the powers, functions, and
20 duties transferred shall be continued and acted upon by the department
21 of health. All existing contracts and obligations shall remain in full
22 force and shall be performed by the department of health.

23 (5) The transfer of the powers, duties, functions, and personnel of
24 the department of social and health services shall not affect the
25 validity of any act performed before the effective date of this
26 section.

27 (6) If apportionments of budgeted funds are required because of the
28 transfers directed by this section, the director of financial
29 management shall certify the apportionments to the agencies affected,
30 the state auditor, and the state treasurer. Each of these shall make
31 the appropriate transfer and adjustments in funds and appropriation
32 accounts and equipment records in accordance with the certification.

33 (7) Nothing contained in this section may be construed to alter any
34 existing collective bargaining unit or the provisions of any existing
35 collective bargaining agreement until the agreement has expired or
36 until the bargaining unit has been modified by action of the personnel
37 resources board as provided by law.

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