

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 6160

Chapter 144, Laws of 2004

58th Legislature
2004 Regular Session

BOARDING HOMES--QUALITY ASSURANCE

EFFECTIVE DATE: 3/26/04

Passed by the Senate March 8, 2004
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 2, 2004
YEAS 94 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE SENATE BILL 6160 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

MILTON H. DOUMIT JR.

Secretary

Approved March 26, 2004.

FILED

March 26, 2004 - 3:15 p.m.

GARY F. LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6160

AS AMENDED BY THE HOUSE

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

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

READ FIRST TIME 02/09/04.

1 AN ACT Relating to fairness and accuracy in the distribution of
2 risk; amending RCW 18.20.110; adding new sections to chapter 18.20 RCW;
3 creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that quality assurance
6 efforts will promote compliance with regulations by providers and
7 achieve the goal of providing high quality of care to citizens residing
8 in licensed boarding homes, and may reduce property and liability
9 insurance premium costs for such facilities.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.20 RCW
11 to read as follows:

12 (1) To ensure the proper delivery of services and the maintenance
13 and improvement in quality of care through self-review, any boarding
14 home licensed under this chapter may maintain a quality assurance
15 committee that, at a minimum, includes:

16 (a) A licensed registered nurse under chapter 18.79 RCW;

17 (b) The administrator; and

18 (c) Three other members from the staff of the boarding home.

1 (2) When established, the quality assurance committee shall meet at
2 least quarterly to identify issues that may adversely affect quality of
3 care and services to residents and to develop and implement plans of
4 action to correct identified quality concerns or deficiencies in the
5 quality of care provided to residents.

6 (3) To promote quality of care through self-review without the fear
7 of reprisal, and to enhance the objectivity of the review process, the
8 department shall not require, and the long-term care ombudsman program
9 shall not request, disclosure of any quality assurance committee
10 records or reports, unless the disclosure is related to the committee's
11 compliance with this section, if:

12 (a) The records or reports are not maintained pursuant to statutory
13 or regulatory mandate; and

14 (b) The records or reports are created for and collected and
15 maintained by the committee.

16 (4) If the boarding home refuses to release records or reports that
17 would otherwise be protected under this section, the department may
18 then request only that information that is necessary to determine
19 whether the boarding home has a quality assurance committee and to
20 determine that it is operating in compliance with this section.
21 However, if the boarding home offers the department documents generated
22 by, or for, the quality assurance committee as evidence of compliance
23 with boarding home requirements, the documents are not protected as
24 quality assurance committee documents when in the possession of the
25 department.

26 (5) Good faith attempts by the committee to identify and correct
27 quality deficiencies shall not be used as a basis for sanctions.

28 (6) Any records that are created for and collected and maintained
29 by the quality assurance committee shall not be discoverable or
30 admitted into evidence in a civil action brought against a boarding
31 home.

32 (7) Notwithstanding any records created for the quality assurance
33 committee, the facility shall fully set forth in the resident's
34 records, available to the resident, the department, and others as
35 permitted by law, the facts concerning any incident of injury or loss
36 to the resident, the steps taken by the facility to address the
37 resident's needs, and the resident outcome.

1 **Sec. 3.** RCW 18.20.110 and 2003 c 280 s 1 are each amended to read
2 as follows:

3 The department shall make or cause to be made, at least every
4 eighteen months with an annual average of fifteen months, an inspection
5 and investigation of all boarding homes. However, the department may
6 delay an inspection to twenty-four months if the boarding home has had
7 three consecutive inspections with no written notice of violations and
8 has received no written notice of violations resulting from complaint
9 investigation during that same time period. The department may at
10 anytime make an unannounced inspection of a licensed home to assure
11 that the licensee is in compliance with this chapter and the rules
12 adopted under this chapter. Every inspection shall focus primarily on
13 actual or potential resident outcomes, and may include an inspection of
14 every part of the premises and an examination of all records (~~((other~~
15 ~~than financial records))~~), methods of administration, the general and
16 special dietary, and the stores and methods of supply; however, the
17 department shall not have access to financial records or to other
18 records or reports described in section 2 of this act. Financial
19 records of the boarding home may be examined when the department has
20 reasonable cause to believe that a financial obligation related to
21 resident care or services will not be met, such as a complaint that
22 staff wages or utility costs have not been paid, or when necessary for
23 the department to investigate alleged financial exploitation of a
24 resident. Following such an inspection or inspections, written notice
25 of any violation of this law or the rules adopted hereunder shall be
26 given to the applicant or licensee and the department. The department
27 may prescribe by rule that any licensee or applicant desiring to make
28 specified types of alterations or additions to its facilities or to
29 construct new facilities shall, before commencing such alteration,
30 addition, or new construction, submit plans and specifications therefor
31 to the agencies responsible for plan reviews for preliminary inspection
32 and approval or recommendations with respect to compliance with the
33 rules and standards herein authorized.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.20 RCW
35 to read as follows:

36 If during an inspection, reinspection, or complaint investigation
37 by the department, a boarding home corrects a violation or deficiency

1 that the department discovers, the department shall record and consider
2 such violation or deficiency for purposes of the facility's compliance
3 history, however the licenser or complaint investigator shall not
4 include in the facility report the violation or deficiency if the
5 violation or deficiency:

6 (1) Is corrected to the satisfaction of the department prior to the
7 exit conference;

8 (2) Is not recurring; and

9 (3) Did not pose a significant risk of harm or actual harm to a
10 resident.

11 For the purposes of this section, "recurring" means that the
12 violation or deficiency was found under the same regulation or statute
13 in one of the two most recent preceding inspections, reinspections, or
14 complaint investigations.

15 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and takes effect
18 immediately.

Passed by the Senate March 8, 2004.

Passed by the House March 2, 2004.

Approved by the Governor March 26, 2004.

Filed in Office of Secretary of State March 26, 2004.