

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6466

Chapter 34, Laws of 2004

58th Legislature
2004 Regular Session

NURSING FACILITIES--ADMISSIONS

EFFECTIVE DATE: 3/22/04

Passed by the Senate March 4, 2004
YEAS 46 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 2, 2004
YEAS 95 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 22, 2004.

GARY F. LOCKE

Governor of the State of Washington

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 6466 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

March 22, 2004 - 4:20 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6466

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 Senator Fairley)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to the admission of residents to nursing
2 facilities; amending RCW 74.42.055; and declaring an emergency.

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

4 **Sec. 1.** RCW 74.42.055 and 1987 c 476 s 30 are each amended to read
5 as follows:

6 (1) The purpose of this section is to prohibit discrimination
7 against medicaid recipients by nursing homes which have contracted with
8 the department to provide skilled or intermediate nursing care services
9 to medicaid recipients.

10 (2) A nursing facility shall readmit a resident, who has been
11 hospitalized or on therapeutic leave, immediately to the first
12 available bed in a semiprivate room if the resident:

13 (a) Requires the services provided by the facility; and

14 (b) Is eligible for medicaid nursing facility services.

15 (3) It shall be unlawful for any nursing home which has a medicaid
16 contract with the department:

17 (a) To require, as a condition of admission, assurance from the
18 patient or any other person that the patient is not eligible for or
19 will not apply for medicaid;

1 (b) To deny or delay admission or readmission of a person to a
2 nursing home because of his or her status as a medicaid recipient;

3 (c) To transfer a patient, except from a private room to another
4 room within the nursing home, because of his or her status as a
5 medicaid recipient;

6 (d) To transfer a patient to another nursing home because of his or
7 her status as a medicaid recipient;

8 (e) To discharge a patient from a nursing home because of his or
9 her status as a medicaid recipient; or

10 (f) To charge any amounts in excess of the medicaid rate from the
11 date of eligibility, except for any supplementation permitted by the
12 department pursuant to RCW 18.51.070.

13 ~~((+3))~~ (4) Any nursing home which has a medicaid contract with the
14 department shall maintain one list of names of persons seeking
15 admission to the facility, which is ordered by the date of request for
16 admission. This information shall be retained for one year from the
17 month admission was requested. However, except as provided in
18 subsection (2) of this section, a nursing facility is permitted to give
19 preferential admission to individuals who seek admission from a
20 boarding home, licensed under chapter 18.20 RCW, or from independent
21 retirement housing, provided the nursing facility is owned by the same
22 entity that owns the boarding home or independent housing which are
23 located within the same proximate geographic area; and provided
24 further, the purpose of such preferential admission is to allow
25 continued provision of: (a) Culturally or faith-based services, or (b)
26 services provided by a continuing care retirement community as defined
27 in RCW 70.38.025.

28 ~~((+4))~~ (5) The department may assess monetary penalties of a civil
29 nature, not to exceed three thousand dollars for each violation of this
30 section.

31 ~~((+5))~~ (6) Because it is a matter of great public importance to
32 protect senior citizens who need medicaid services from discriminatory
33 treatment in obtaining long-term health care, any violation of this
34 section shall be construed for purposes of the application of the
35 consumer protection act, chapter 19.86 RCW, to constitute an unfair or
36 deceptive act or practice or unfair method of competition in the
37 conduct of trade or commerce.

1 (~~(6)~~) (7) It is not an act of discrimination under this chapter
2 to refuse to admit a patient if admitting that patient would prevent
3 the needs of the other patients residing in that facility from being
4 met at that facility, or if the facility's refusal is consistent with
5 subsection (4) of this section.

6 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 immediately.

 Passed by the Senate March 4, 2004.

 Passed by the House March 2, 2004.

 Approved by the Governor March 22, 2004.

 Filed in Office of Secretary of State March 22, 2004.