

FINAL BILL REPORT

SHB 1606

PARTIAL VETO

C 506 L 05

Synopsis as Enacted

Brief Description: Providing for fairness in the informal dispute resolution process.

Sponsors: By House Committee on Health Care (originally sponsored by Representatives Green, Skinner, Cody, Bailey, Clibborn, Williams, Morrell and Schual-Berke).

House Committee on Health Care

Senate Committee on Health & Long-Term Care

Background:

A boarding home provider has the right to review and reconsideration of a Department of Social and Health Services (DSHS) finding of regulatory non-compliance through an Informal Dispute Resolution (IDR) process. The IDR process allows the provider an opportunity to share information with a department staff person who was not involved in the citation process itself. If the DSHS determines that a violation should have been cited, the department adds the citation or enforcement remedy to an existing citation report, usually within 10 days of completing an inspection.

Currently, nursing home providers can utilize a federally mandated IDR process provided under Title 42 CFR 488.331. States are not required to create any new or additional processes if their existing process meets the requirements set out in the State Operations Manual. The IDR established by the state is required to be in writing and available for review upon request.

Summary:

If the DSHS determines that a violation should have been cited under a different more appropriate regulation, the DSHS must revise the report, statement of deficiencies, or enforcement remedy accordingly.

Nursing home providers have the right to an informal review to present written evidence to refute the findings or deficiencies cited during a licensing or certification survey or a complaint investigation.

The request for informal dispute resolution will not delay the effective date of any enforcement remedy imposed by the DSHS. Civil monetary fines are not payable until exhaustion of hearings and appeal rights. Residents or resident representatives will be given an opportunity to provide input in an informal dispute resolution proceeding.

Votes on Final Passage:

House 96 0

Senate 45 0 (Senate amended)
House 92 0 (House concurred)

Effective: July 24, 2005

Partial Veto Summary: The Governor vetoed the requirement that residents be given the opportunity to provide input in the nursing home informal dispute resolution process.