

# HOUSE BILL REPORT

## HB 3203

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### As Reported by House Committee On: Health Care & Wellness

**Title:** An act relating to residents who are transferred or discharged by nursing facilities.

**Brief Description:** Granting residents who are transferred or discharged from nursing facilities an opportunity for a hearing.

**Sponsors:** Representatives Morrell, Campbell, Green, Liias, McIntire, VanDeWege and Wood.

#### **Brief History:**

##### **Committee Activity:**

Health Care & Wellness: 2/4/08, 2/5/08 [DPS].

#### **Brief Summary of Substitute Bill**

- Allows a nursing home resident who was transferred or discharged to challenge that action through a fair hearing and be allowed immediate readmittance in the first available bed pending a final order at the fair hearing.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Cody, Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow, Campbell, Green, Moeller, Pedersen, Schual-Berke and Seaquist.

**Minority Report:** Do not pass. Signed by 1 member: Representative Condotta.

**Staff:** Dave Knutson (786-7146).

#### **Background:**

Nursing home residents who are transferred or discharged by the facility have a right to challenge the facilities decision to transfer or discharge them. If they challenge the decision to transfer or discharge them prior to leaving the facility they may stay in the facility until the appeal is resolved. If they challenge the decision to transfer or discharge them after leaving

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the facility they do not have the right to be allowed immediate readmittance into the first available bed and stay in the facility until the appeal is resolved.

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**Summary of Substitute Bill:**

Nursing home residents who are transferred or discharged by the facility have a right to challenge the decision to transfer or discharge them. They may be readmitted to the first available gender-appropriate bed if the nursing home determines that it is able to meet the needs of the resident and that the health and safety of the resident will not be jeopardized as well as stay in the facility until the appeal is resolved.

**Substitute Bill Compared to Original Bill:**

The resident challenging a transfer or discharge will be placed in an available gender-appropriate bed. The nursing home must conduct an assessment to determine if the resident's needs can be met, and the health and safety of the resident and other individuals will not be jeopardized.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) This legislation is needed to close a loophole that allows a nursing home to discharge a resident when they are admitted to a hospital and block them from returning to the nursing home when they appeal the decision to discharge them. This happens very frequently to seniors all over the state.

(With concerns) A gender-appropriate bed is not always available for the nursing home resident after they have been discharged from the hospital. In addition, some residents exhibit actions or behaviors that cannot be addressed by the nursing home. Allowing these residents back into the nursing home could put the resident, other residents, as well as staff at risk.

**Persons Testifying:** (In support) Sarah Spring, Long-Term Care Ombudsman Program; and Joyce Stockwell, Department of Social and Health Services.

(With concerns) Julie Peterson, Association of Housing and Services for the Aging; and Gary Weeks and Tim Lehner, Washington Health Care Association.

**Persons Signed In To Testify But Not Testifying:** None.