

HOUSE BILL REPORT

SSB 6807

As Passed House:

March 5, 2008

Title: An act relating to discharge of long-term care residents.

Brief Description: Restricting long-term care facilities.

Sponsors: By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kastama, Keiser, Fairley and Kohl-Welles).

Brief History:

Committee Activity:

Health Care & Wellness: 2/25/08, 2/27/08 [DP].

Floor Activity:

Passed House: 3/5/08, 96-0.

Brief Summary of Substitute Bill

- Prohibits a boarding home from transferring or discharging a current resident on the basis that it is voluntarily withdrawing from the Medicaid program.
- Requires notice to persons beginning residence after the effective date of the act that the boarding home is not participating in the Medicaid program and the person may be transferred or discharged if they are unable to pay the facility charges.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass. Signed by 13 members: Representatives Cody, Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow, Campbell, Condotta, DeBolt, Green, Moeller, Pedersen, Schual-Berke and Seaquist.

Staff: Dave Knutson (786-7146).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Federal law provides that a nursing home may not transfer or discharge a resident if they become eligible for the Medicaid program while residing in the facility and are unable to pay what the facility charges for a private-pay resident. There is no comparable prohibition related to boarding homes.

Summary of Bill:

When a boarding home resident has been paying privately for two years and becomes eligible for Medicaid within six months of the boarding home withdrawing from the Medicaid program, the resident cannot be forced to transfer or move. A boarding home that withdraws from Medicaid must provide the resident and the Department of Social and Health Services 60 days advance notice. All long-term care facilities will fully disclose in writing to potential and current residents the facility policy on accepting Medicaid as a payment source. The written disclosure of the facility policy on Medicaid is a legally binding document.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) Individuals who have been private pay residents of boarding homes should not be transferred or discharged when they exhaust their resources and must go on the Medicaid program. The State should pay boarding homes adequate rates so they do not feel they must stop serving Medicaid clients.

(Opposed) None.

Persons Testifying: Senator Kastama, prime sponsor; Gene Robertson; Jeff Crollard, Long-term Care Ombudsman Program and the Washington State Bar Association Elder Law Section; Gary Weeks, Washington Health Care Alliance; and Louise Ryan, Long-term Care Ombudsman Program.

Persons Signed In To Testify But Not Testifying: None.