

SENATE BILL REPORT

SB 6944

As of February 11, 2008

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

Brief Description: Restricting long-term care facilities.

Sponsors: Senators Kastama, Keiser, Fairley and Kohl-Welles.

Brief History:

Committee Activity: Ways & Means: 2/12/08.

SENATE COMMITTEE ON WAYS & MEANS

Staff: Chelsea Buchanan & Rhoda Donkin (786-7465)

Background: Under current law, long-term care facilities may not discharge or transfer residents unless one or more of the following conditions exist: the action is necessary for the resident's welfare; the facility cannot meet the resident's needs; the safety of the resident or other residents are endangered; the resident has failed to make the required payment; or the facility has ceased to operate. Before a discharge or transfer occurs, the facility is required to make a reasonable accommodation to avoid the discharge, and must also appropriately notify the affected individuals.

Under federal law, nursing homes that voluntarily withdraw from the Medicaid program, are prohibited from discharging residents who are residing in the facility of the day before the effective date of the withdrawal. The law applies to residents currently receiving Medicaid benefits, as well as those who are residents but not yet dependent on Medicaid.

Boarding homes with Medicaid assisted living contracts are also required to provide reasonable accommodation before discharging or transferring residents. However, there is concern that some boarding homes are voluntarily withdrawing from state's Medicaid program and in doing so, discharging Medicaid residents from their facilities.

Summary of Bill: A boarding home's voluntary withdrawal from the Medicaid program is not an acceptable basis for the transfer or discharge of persons who are Medicaid eligible and have been residing in the boarding home on the day before the effective date of the withdrawal.

This is identical to the recommended substitute SB 6807 considered by the Senate Health & Long-Term Care Committee.

Appropriation: None.

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.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.