

1 1226-S.E AAS 4/10/91

2 **ESHB 1226** - S COMM AMD

3 By Committee on Health & Long-Term Care

4 ADOPTED AS AMENDED 4/10/91 - Voice Vote

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 74.42
8 RCW to read as follows:

9 Each time a medicaid recipient is discharged from a medicaid
10 provider's facility for the purpose of hospitalization, the provider
11 shall hold open the recipient's bed for the recipient for a minimum
12 of three days immediately following the day of discharge and shall
13 not deny the recipient readmission and placement in the same bed
14 vacated if sought during such three-day period following the day of
15 discharge. If the medicaid recipient is eligible for medicare, the
16 recipient may be readmitted to a bed in a medicare distinct part. In
17 addition, the medicaid recipient may be readmitted to bed in a heavy
18 care wing of the medicaid provider's facility, if the attending
19 physician determines that the recipient's health status warrants the
20 additional heavy care."

21 "NEW SECTION. **Sec. 2.** A new section is added to chapter 74.46
22 RCW to read as follows:

23 The department shall develop and adopt rules to accurately keep
24 record of a resident's social leave time and hospitalization time."

25 "**Sec. 3.** RCW 18.52.020 and 1991 c 3 s 116 are each amended to
26 read as follows:

1 " When used in this chapter, unless the context otherwise clearly
2 requires:

3 (1) "Board" means the state board (~~(of examiners for the~~
4 ~~licensing))~~ of nursing home administrators representative of the
5 professions and institutions concerned with the care of the
6 chronically ill and infirm aged patients.

7 (2) (~~("Secretary" means the secretary of health)~~) "Department"
8 means the department of health.

9 (3) "Nursing home" means any facility or portion thereof licensed
10 under state law as a nursing home.

11 (4) "Nursing home administrator" means an individual in active
12 administrative charge, as defined by the board, of a nursing home(~~(s~~
13 ~~as defined herein, whether or not having an ownership interest in~~
14 ~~such homes, and although functions and duties may be shared with or~~
15 ~~delegated to other persons: PROVIDED HOWEVER, That nothing in this~~
16 ~~definition or this chapter shall be construed to prevent any person,~~
17 ~~so long as he or she is otherwise qualified, from obtaining and~~
18 ~~maintaining a license even though he or she has not administered or~~
19 ~~does not continue to administer a nursing home))~~).

20 (5) "Secretary" means the secretary of health or the secretary's
21 designee."

22 "NEW SECTION. Sec. 4. A new section is added to chapter 18.52
23 RCW to read as follows:

24 In addition to any other authority provided by law, the secretary
25 shall have the following authority:

26 (1) To set all fees required in this chapter in accordance with
27 RCW 43.70.250 which may include fees for approval of continuing
28 competency, supervision of practical experience, all applications,
29 verification, renewal, examination, and late penalties;

1 (2) To establish forms necessary to administer this chapter;

2 (3) To issue a license to any applicant who has met the
3 education, training, and examination requirements for licensure and
4 deny a license to applicants who do not meet the minimum
5 qualifications for licensure, except that proceedings concerning the
6 denial of licenses based on unprofessional conduct or impaired
7 practice shall be governed by the uniform disciplinary act, chapter
8 18.130 RCW;

9 (4) To employ clerical, administrative, and investigative staff
10 as needed to implement and administer this chapter and to employ
11 individuals including those licensed under this chapter to serve as
12 examiners or consultants as necessary to implement and administer
13 this chapter; and

14 (5) To maintain the official department record of all applicants
15 and licensees."

16 "Sec. 5. RCW 18.52.030 and 1970 ex.s. c 57 s 3 are each amended
17 to read as follows:

18 (~~On or after July 1, 1970~~) Nursing homes operating within this
19 state (~~must~~) shall be under the active, overall administrative
20 charge and supervision of an on-site, full-time administrator
21 licensed as provided in this chapter. (~~An administrator may~~
22 ~~delegate functions and duties to other persons.~~) No person acting
23 in any capacity, unless (~~he is~~) the holder of a nursing home
24 administrator's license issued under this chapter, shall be charged
25 with the overall responsibility to make decisions or direct actions
26 involved in managing the internal operation of a nursing home, except
27 as specifically delegated in writing by the administrator to identify
28 a responsible person to act on the administrator's behalf when the
29 administrator is absent during the administrator's normal working

1 hours. The administrator shall review the decisions upon the
2 administrator's return and amend the decisions if necessary. The
3 board shall define by rule the parameters for on-site, full-time
4 administrators in nursing homes with small resident populations,
5 nursing homes in rural areas, or separately licensed facilities
6 collocated on the same campus, as well as provide for the
7 requirements for nursing homes that are temporarily without
8 administrators."

9 "Sec. 6. RCW 18.52.040 and 1975 1st ex.s. c 97 s 1 are each
10 amended to read as follows:

11 ~~((There is hereby created a))~~ The state board of ((examiners
12 for)) nursing home administrators ((which)) shall consist of nine
13 members appointed by the governor. ((All members shall be
14 representative of the professions and institutions concerned with the
15 care and treatment of chronically ill or infirm elderly patients.
16 However, at no time shall representatives of a single profession or a
17 single institutional category compose a majority of the board
18 membership. In addition, no member who is a noninstitutional
19 representative shall have any direct financial interest in nursing
20 homes while serving as a member of the board. For purposes of this
21 section, nursing home administrators are considered representatives
22 of institutions. Eight of the board's members shall be privately or
23 self-employed persons who the governor finds have had at least four
24 years of actual experience in the administration or overall
25 management of licensed nursing homes in this state immediately prior
26 to the governor's appointment of them to the board; or shall be
27 representatives from the medical professions, or health care
28 administration education, or persons with four years actual
29 experience in the administration of the nursing home unit of a

1 ~~licensed hospital immediately preceding the governor's appointment of~~
2 ~~them to the board; and shall be privately or self-employed persons,~~
3 ~~or persons employed by educational institutions, whom the governor~~
4 ~~appoints because of their special knowledge or expertise in the field~~
5 ~~of long term care or the care of the aged and chronically ill:—~~
6 ~~PROVIDED, That one member shall be a citizen eligible for medicare~~
7 ~~who shall have no financial interest in or family ownership~~
8 ~~connection with nursing homes. Board members selected who meet any~~
9 ~~of the preceding qualifications may in addition be nurses, physicians~~
10 ~~or other persons with special health care training.)) Four members~~
11 ~~shall be persons licensed under this chapter who have at least four~~
12 ~~years actual experience in the administration of a licensed nursing~~
13 ~~home in this state immediately preceding appointment to the board and~~
14 ~~who are not employed by the state or federal government.~~

15 Four members shall be representatives of the health care
16 professions providing medical or nursing services in nursing homes
17 who are privately or self-employed; or shall be persons employed by
18 educational institutions who have special knowledge or expertise in
19 the field of health care administration, health care education or
20 long-term care or both, or care of the aged and chronically ill.

21 One member shall be a nursing home resident or a family member of
22 a nursing home resident. No member who is a nonadministrator
23 representative shall have any direct or family financial interest in
24 nursing homes while serving as a member of the board. The governor
25 shall consult with and seek the recommendations of the appropriate
26 state-wide business and professional organizations and societies
27 primarily concerned with long term health care facilities in the
28 course of considering his appointments to the board. Board members
29 presently serving shall continue to serve until the expiration of
30 their appointments."

1 **"Sec. 7.** RCW 18.52.050 and 1970 ex.s. c 57 s 5 are each amended
2 to read as follows:

3 Members of the board shall be citizens of the United States and
4 residents of this state. ~~((Except for the initial appointments to
5 the first board,))~~ All administrator members of the board shall be
6 holders of licenses under this chapter. ~~((Three members of the board
7 shall be appointed initially for terms of three years, three members
8 shall be appointed for terms of two years, and three members shall be
9 appointed for terms of one year. Thereafter))~~ The terms of all
10 members shall be ~~((three))~~ five years. ~~((Members of the board may be
11 removed by the governor for cause after appropriate notice and
12 hearing.))~~ Any board member may be removed for just cause including a
13 finding of fact of unprofessional conduct or impaired practice. The
14 governor may appoint a new member to fill any vacancy on the board
15 for the remainder of the unexpired term. No board member may serve
16 more than two consecutive terms, whether full or partial. Board
17 members shall serve until their successors are appointed. Board
18 members shall be compensated in accordance with RCW 43.03.240 and
19 shall be reimbursed for travel expenses as provided in RCW 43.03.050
20 and 43.03.060. The board may elect annually a chair and vice-chair
21 to direct the meetings of the board. The board shall meet at least
22 four times each year and may hold additional meetings as called by
23 the secretary or the chair."

24 "NEW SECTION. **Sec. 8.** A new section is added to chapter 18.52
25 RCW to read as follows:

26 In addition to any authority provided by law, the board shall
27 have the following authority:

28 (1) To adopt rules in accordance with chapter 34.05 RCW necessary
29 to implement this chapter;

1 (2) To determine the minimum education and experience
2 requirements for licensure, including but not limited to approval of
3 educational programs;

4 (3) To prepare and administer or approve the preparation and
5 administration of examinations for licensure;

6 (4) To conduct a hearing on an appeal of a denial of license
7 based on the applicant's failure to meet the minimum qualifications
8 for licensure. The hearing shall be conducted pursuant to chapter
9 34.05 RCW;

10 (5) To establish by rule the procedures for an appeal of an
11 examination failure;

12 (6) To adopt rules implementing a continuing competency program;

13 (7) To issue subpoenas, statements of charges, statements of
14 intent to deny licenses, and orders, and to delegate in writing to a
15 designee to issue subpoenas; and

16 (8) To issue temporary license permits under circumstances
17 defined by the board."

18 "NEW SECTION. Sec. 9. A new section is added to chapter 18.52
19 RCW to read as follows:

20 The department shall issue a license to any person applying for a
21 nursing home administrator's license after July 1, 1992, who meets
22 the following requirements:

23 (1) Successful completion of the requirements for a baccalaureate
24 degree from a recognized institution of higher learning: PROVIDED,
25 That if education requirements are adopted by the federal government,
26 the board may adopt rules requiring educational qualifications to
27 meet those requirements;

28 (2) Successful completion of a practical experience requirement
29 as determined by the board;

1 (3) Successful completion of examinations administered or
2 approved by the board, or both, which shall be designed to test the
3 candidate's competence to administer a nursing home;

4 (4) At least twenty-one years of age; and

5 (5) Not having engaged in unprofessional conduct as defined in
6 RCW 18.130.180 or being unable to practice with reasonable skill and
7 safety as defined in RCW 18.130.170. The board shall establish by
8 rule what constitutes adequate proof of meeting the above
9 requirements.

10 A limited license indicating the limited extent of authority to
11 administer institutions certified by such church or denomination
12 teaching religious or spiritual means for healing through prayer,
13 shall be issued to individuals demonstrating membership in such
14 church or denomination. However, nothing in this chapter shall be
15 construed to require an applicant certified by any well established
16 and generally recognized church or religious denomination teaching
17 reliance on spiritual means alone to demonstrate proficiency in any
18 medical techniques or to meet any medical educational qualifications
19 or medical standards not in accord with the remedial care and
20 treatment provided in such institutions."

21 "Sec. 10. RCW 18.52.110 and 1991 c 3 s 120 are each amended to
22 read as follows:

23 (1) Every holder of a nursing home administrator's license shall
24 reregister (~~((it annually with the secretary))~~) on dates specified by
25 the secretary (~~((by making application for reregistration on forms
26 provided by the secretary))~~). Such (~~((reregistration))~~) relicensure
27 shall be granted (~~((automatically))~~) upon receipt of a fee determined
28 by the secretary as provided in RCW 43.70.250, and upon fulfilling
29 the continuing (~~((education))~~) competency requirement. In the event

1 that any license is not reregistered (~~((within thirty days after the~~
2 ~~date for reregistration specified by the secretary)),~~ the secretary
3 (~~((shall, in accordance with rules prescribed by the board, give~~
4 ~~notice to the license holder, and))~~) may (~~((thereafter in accordance~~
5 ~~with rules prescribed by the board))~~) charge up to double the (~~((normal~~
6 ~~reregistration))~~) relicensure fee. In the event that the license of
7 an individual is not (~~((reregistered))~~) relicensed within two years
8 from the most recent date for (~~((reregistration))~~) relicensure it shall
9 lapse and such individual must again apply for licensing and meet all
10 requirements of this chapter for a new applicant. The board may
11 prescribe rules for maintenance of a license at a reduced fee for
12 temporary or permanent withdrawal or retirement from the active
13 practice of nursing home administration.

14 (2) A condition of (~~((reregistration))~~) relicensure shall be the
15 presentation of proof by the applicant that (~~((he or she has attended~~
16 ~~the number of classroom hours of approved educational programs,~~
17 ~~classes, seminars, or proceedings set by the board.~~— The board shall
18 ~~have the power to approve programs, classes, seminars, or proceedings~~
19 ~~offered in this state or elsewhere by any accredited institution of~~
20 ~~higher learning or any national or local group or society if such~~
21 ~~programs, classes, seminars, or proceedings are reasonably related to~~
22 ~~the administration of nursing homes.~~— The board shall establish rules
23 ~~providing that the applicant for reregistration may present such~~
24 ~~proofs yearly, or may obtain the cumulative number of required hours~~
25 ~~over a three year period and present such proofs over periods of~~
26 ~~three years.~~— In no event shall the number of classroom hours
27 ~~required for any time period exceed the number of such board approved~~
28 ~~classroom hours reasonably available over such time period on an~~
29 ~~adult or continuing education basis to nonmatriculating participants~~
30 ~~in this state.~~

1 ~~(3) An individual may obtain and reregister a license under this~~
2 ~~chapter although he or she does not actively engage in nursing home~~
3 ~~administration. The licensee shall meet requirements set by the~~
4 ~~board to ensure the individual's continued competency)) the board~~
5 ~~requirement for continuing competency related to the administration~~
6 ~~of nursing homes has been met."~~

7 **"Sec. 11.** RCW 18.52.130 and 1991 c 3 s 121 are each amended to
8 read as follows:

9 The secretary may issue a nursing home administrator's license to
10 anyone who holds a current administrator's license from another
11 jurisdiction upon receipt of an application fee ((determined by the
12 secretary as provided in RCW 43.70.250)) and an annual license fee,
13 ~~((the secretary may issue a nursing home administrator's license,
14 ~~without examination, to any person who holds a current license as a~~
15 ~~nursing home administrator from another jurisdiction)) as provided in~~
16 RCW 43.70.250: PROVIDED, ((That the board finds)) That the standards
17 for licensing in such other jurisdiction are ((at least the))
18 substantially equivalent ((of)) to those prevailing in this state,
19 and that the applicant is otherwise qualified as determined by the
20 board. ((In the event that there is developed a nationally
21 recognized standard for the licensing of nursing home administrators~~
22 ~~which is in fact utilized in licensing procedures on a reasonably~~
23 ~~uniform basis the board may by rule or regulation provide for~~
24 ~~granting reciprocal licensing on a showing of compliance with such~~
25 ~~standard.))"~~

26 **"Sec. 12.** RCW 18.52.140 and 1970 ex.s. c 57 s 14 are each
27 amended to read as follows:

1 It shall be unlawful and constitute a gross misdemeanor for any
2 person to act or serve in the capacity of a nursing home
3 administrator unless he or she is the holder of a nursing home
4 administrator's license issued in accordance with the provisions of
5 this chapter: PROVIDED HOWEVER, That persons carrying out functions
6 and duties delegated by a licensed administrator as defined in RCW
7 18.52.030 shall not be construed to be committing any unlawful act
8 under this chapter."

9 "NEW SECTION. Sec. 13. The following acts or parts of acts are
10 each repealed:

11 (1) RCW 18.52.060 and 1991 c 3 s 117, 1984 c 287 s 40, 1979 c 158
12 s 45, 1975-'76 2nd ex.s. c 34 s 38, & 1970 ex.s. c 57 s 6;

13 (2) RCW 18.52.100 and 1991 c 35 s 119, 1987 c 150 s 33, 1977
14 ex.s. c 243 s 4, & 1970 ex.s. c 57 s 10; and

15 (3) RCW 18.52.170 and 1970 ex.s. c 57 s 19."

16 "NEW SECTION. Sec. 14. RCW 18.52.070 and 1991 c 3 s 118, 1984
17 c 279 s 65, 1977 ex.s. c 243 s 2, 1975 1st ex.s. c 30 s 52, & 1970
18 ex.s. c 57 s 7 are each repealed, effective July 1, 1992."

19 **ESHB 1226** - S COMM AMD

20 By Committee on Health & Long-Term Care

21 ADOPTED AS AMENDED 4/10/91 - Voice Vote

22 On page 1, line 1 of the title, after "homes;" strike the
23 remainder of the title and insert "amending RCW 18.52.020, 18.52.030,
24 18.52.040, 18.52.050, 18.52.110, 18.52.130, and 18.52.140; adding a
25 new section to chapter 74.42 RCW; adding a new section to chapter
26 74.46 RCW; adding new sections to chapter 18.52 RCW; and repealing
27 RCW 18.52.060, 18.52.100, 18.52.170, and 18.52.070."