

# HOUSE BILL REPORT

## E2SHB 2154

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As Passed Legislature

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

**Brief Description:** Providing protection for residents of long-term care facilities.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives R. Meyers, Valle, Carlson, Jones, Dellwo, Roland, Campbell, Dorn, Ogden, Kessler, Holm, Wineberry and Thibaudeau).

**Brief History:**

Reported by House Committee on:  
Health Care, February 1, 1994, DPS;  
Appropriations, February 7, 1994, DP2S;  
Passed House, February 10, 1994, 92-0;  
Amended by Senate;  
Passed Legislature, March 7, 1994 90-0.

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### HOUSE COMMITTEE ON HEALTH CARE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Backlund; Conway; Cooke; Flemming; R. Johnson; Lemmon; Lisk; Mastin; Morris; Thibaudeau and Veloria.

**Staff:** Antonio Sanchez (786-7383).

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 25 members: Representatives Sommers, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Foreman; Jacobsen; Lemmon; Linville; H. Myers; Peery; Rust; Sehlin; Sheahan; Stevens; Talcott; Wang; Wineberry and Wolfe.

**Staff:** John Woolley (786-7154).

**Background:** Since 1987 all nursing home residents in our state have been protected by a set of basic rights concerning information, care, privacy, treatment and their personal property and activities in the residence. Currently, however, these same basic rights do not uniformly exist in statute for other long-term care residential facilities such as boarding homes and adult family homes. The following chart indicates the areas of protection granted by law for each of these long-term care residential facilities. The blank spaces indicate that no law currently exists.

#### **COMPARISON OF LONG-TERM CARE RESIDENT RIGHTS**

A comparison table is available from the Health Care Committee.

Residents of these long-term care residencies currently have the opportunity to have their complaints addressed by the State Long Term care Ombudsman or the Department of Social and Health Services Complaint Resolution Program. The Long-Term Care Ombudsman Program trains, certifies and supervises volunteers who mediate, resolve concerns and complaints, and stop verbal and physical abuse for Washington's 50,000 citizens living in nursing homes, boarding homes and adult family homes. Last year, the program handled nearly 5,500 complaints with 170 volunteers.

#### **NURSING HOME DEPOSIT FEES**

Currently, there are no regulations that either discourage or require a nursing home to refund a portion of a private nursing home resident's deposit fee in the event the resident does not reside in the nursing home. All nursing homes, except those who take only private-pay residents, are required to provide the residents or their representatives full disclosure of deposit and fees upon admissions. There are no requirements stipulated when deposit funds owed are to be returned to the resident or their representative.

**Summary of Bill:** The rights currently available to all nursing home residents are extended to residents in veteran's homes, adult family homes and boarding homes. These rights include: being appropriately informed of rights; protection of personal property; privacy and confidentiality; the ability to voice grievances; access and visitation rights; transfer and discharge requirements; freedom from any physical or chemical restraints imposed for discipline or convenience and not required to treat the resident's medical symptoms; freedom from abuse; and a number of rights to ensure that residents are able to choose their own lifestyle. The protection of private funds is also extended to residents in veteran's boarding homes.

If funds are available, boarding homes are provided with the ability to obtain criminal background checks on their employees from the Department of Social and Health Services without charge, in the same way nursing homes and adult family homes obtain them.

Specific limitations are placed on minimum-stay fees or admission deposits, and on waivers of liability for personal property losses. Full disclosure of these limitations is required in admission contracts for nursing homes, boarding homes, adult family homes and veteran's homes. However, these limitations are not required to provisions in contracts negotiated between a nursing facility and a certified health plan, health or disability insurer, health maintenance organization or managed care organization.

The long-term care ombudsman is given the responsibility to monitor the implementation of the act and report to the Legislature by July 1, 1995.

**Fiscal Note:** Available.

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

**Testimony For:** (Health Care) Residents in other long-term care facilities deserve the same rights and protection under the law that people now receive in nursing homes. This measure provides the ombudsman the ability to adequately address abuses of resident rights in adult family homes, facilities for people with developmental disabilities and other community facilities. The bill recognizes and reinforces the guarantee of equal rights and protection provided by the federal Americans with Disabilities Act. Expediting background checks is very important and money well spent.

(Appropriations) As there is an ever growing population of seniors and the disabled that are getting care in places other than nursing homes, it is essential to provide those people the same protection provided to nursing home residents. The bill simply takes the rights guaranteed to nursing home residents in federal law and extends those to other long term care facilities. The criminal background checks are very important.

**Testimony Against:** (Health Care) None.

(Appropriations) None.

**Witnesses:** (Health Care) Representative R. Meyers, prime sponsor (pro); Representative Carlson (pro); Representative

Jones (pro); Evan Iverson, Senior Citizens' Lobby (pro); June Blikre, resident advocate (pro); Kary Hyre, Long-term Care Ombudsman (pro); Jackie Coombs (pro); Tom Jacobs, Volunteer Long-term Care Ombudsman (pro); Gordon Verrill, Long-term Care Ombudsman (pro); Terry Burnemann, Long-term Care Ombudsman (pro); Frank Winslow (pro/con), Alzheimer Society of Washington; Peggy Papsdorf, organizer, Washington Citizen Action (pro); Mark Stroh, Washington Protection and Advocacy System (pro); Red Meyer, American Association of Retired Persons (pro); Kathleen West (pro); Kathy Leitch, Department of Social and Health Services (pro); Kathy Stout, Department of Health (pro); Jeff Larsen, Adult Licensed Family Homes of Washington; Gail Hiestand, Washington Association of Area Agencies on Aging (pro); Sharon McIntyre, Washington State Nursing Home Resident Council (pro); and Scott Sigman, Washington Health Care Association (pro).

**Witnesses:** (Appropriations) Evan Iverson, President, Senior Citizens' Lobby, Scott Sigmund, Washington Health Care Association; and Kary Hyre, Long-Term Care Ombudsman.