

VETO MESSAGE ON 2SHB 1908

June 15, 1995

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 11, 42, and 73, Engrossed Second Substitute House Bill No. 1908 entitled:

"AN ACT Relating to long-term care;"

Engrossed Second Substitute House Bill No. 1908 is far-reaching legislation representing the efforts of many to reform Washington's Long Term Care service delivery system. The legislature's efforts to expand options for individuals who could be served in community settings, improve the quality of care for those being served in community programs, and revise the nursing facility payment system are to be applauded.

Section 11 directs the Legislative Budget Committee (LBC) to develop a working plan for long term care reform by December 12, 1995. The LBC is to design an integrated, single point of entry system for the delivery of services to all users of long term care. This plan is directed to implement many of the findings included in the report completed by the Long Term Care Commission in 1991. In the intervening years the legislature has not chosen to adopt the recommendations of the Long Term Care Commission regarding integration of services. One of the primary reasons this proposal was not adopted was that it would have significant cost. Because of the wide array of long-term care issues which were addressed in this legislation, this section did not receive full public scrutiny in the 1995 legislative session. I would like to see more debate on the topic before such a major undertaking goes forward.

Section 42 extends the requirements for the Department of Social and Health Services (DSHS) to inspect nursing homes from every 12 months to at least every 18 months. Additionally, DSHS is prevented from conducting nursing facility inspections for 12 months after a citation-free inspection. This prohibition violates federal requirements that the state inspect facilities any time there is reason to believe a facility may be providing substandard care. While I am vetoing this section, I am directing DSHS to use its resources efficiently and to not inspect citation-free facilities more frequently than every 12 months unless it has cause to believe problems have developed in the interim.

Section 73 provides nursing homes an additional extension of up to 60 months to apply for a Certificate of Need if the facility is located in an economically distressed area. Because the Certificate of Need considers financial feasibility, an extension would not necessarily make financing easier to obtain in an economically distressed area. Additionally, facilities in operation could utilize the Certificate of Need to minimize competition.

For these reasons, I have vetoed sections 11, 42, and 73 of Engrossed Second Substitute House Bill No. 1908.

With the exception of sections 11, 42, and 73, Engrossed Second Substitute House Bill No. 1908 is approved.

Respectfully submitted,
Mike Lowry
Governor