

1 1850-S2 AMH DYER H3198.2

2 **2SHB 1850** - H AMD 556 ADOPTED 4-14-97
3 By Representatives Dyer and Cody

4

5 On page 21, beginning on line 3, after "authority." strike all
6 material through "18.30 RCW." on line 6

7 **2SHB 1850** - H AMD
8 By Representatives Dyer and Cody

9

10 On page 26, beginning on line 8, after "authority." strike all
11 material through "18.30 RCW." on line 11

12 **2SHB 1850** - H AMD
13 By Representatives Dyer and Cody

14

15 On page 36, line 36, after "program" insert "in cooperation with
16 the department of social and health services and disciplining
17 authorities and"

18 On page 36, line 37, after "administration." insert "The department
19 of social and health services shall retain authority to review and
20 investigate all allegations of nursing home resident neglect, abuse,
21 and misappropriation of resident property. If the department of social
22 and health services makes a preliminary determination, based upon
23 credible evidence and an investigation by the department, that a
24 licensed, certified, or registered health care provider listed in RCW
25 18.130.040 and used by the nursing home to provide services to a
26 resident, except for a certified or registered nursing assistant, has
27 neglected or abused a resident or misappropriated a resident's
28 property, the department of social and health services shall
29 immediately refer its determination regarding the individual to the
30 appropriate disciplining authority, as defined in chapter 18.130 RCW.
31 The disciplining authority shall pursue administrative adjudicatory or

1 disciplinary proceedings according to federal timelines and
2 requirements, and consistent with the administrative procedure act,
3 chapter 34.05 RCW. A finding of fact, stipulated finding of fact,
4 agreed order, or final order issued by the disciplining authority that
5 finds the individual health care provider guilty of neglect, abuse, or
6 misappropriation of resident property shall be promptly reported to the
7 department of social and health services. The disciplining authority
8 shall not make a finding that an individual has neglected a resident if
9 the individual demonstrates that such neglect was caused by factors
10 beyond the control of the individual."

11 **2SHB 1850** - H AMD

12 By Representatives Dyer and Cody

13

14 On page 36, after line 37, insert the following:

15 "NEW SECTION. **Sec. 506.** A new section is added to chapter 18.51
16 RCW to read as follows:

17 The department of social and health services shall implement a
18 nursing home resident protection program in cooperation with the
19 department of health and disciplining authorities and according to
20 guidelines established by the federal health care financing
21 administration. The department of social and health services shall
22 conduct a timely review and investigation of all credible allegations
23 of nursing home resident neglect, abuse, and misappropriation of
24 resident property. If the department of social and health services
25 makes a preliminary determination, based upon credible evidence and an
26 investigation by the department, that a licensed, certified, or
27 registered health care provider listed in RCW 18.130.040 and used by
28 the nursing home to provide services to a resident, except for a
29 certified or registered nursing assistant, has neglected or abused a
30 resident or misappropriated a resident's property, the department of
31 social and health services shall immediately refer its determination
32 regarding the individual to the department of health or disciplining
33 authority, as defined in RCW 18.130.020. The disciplining authority,
34 except the department of social and health services for individuals
35 referred to the disciplining authority, shall pursue administrative
36 adjudicatory or disciplinary proceedings according to federal timelines

1 and requirements, and consistent with the administrative procedure act,
2 chapter 34.05 RCW. Other individuals used by a nursing home, including
3 certified and registered nursing assistants, with a preliminary
4 determination of neglect, abuse, or misappropriation of resident
5 property shall receive notice and the right to an administrative fair
6 hearing from the department of social and health services according to
7 federal timelines and requirements, and consistent with the
8 administrative procedure act, chapter 34.05 RCW. An individual with a
9 finding of fact, stipulated finding of fact, agreed order, or final
10 order issued by the department of social and health services that finds
11 the individual guilty of neglect, abuse, or misappropriation of
12 resident property shall not be employed in the care of and have
13 unsupervised access to vulnerable adults, as defined in chapter 74.34
14 RCW. The department shall not make a finding that an individual has
15 neglected a resident if the individual demonstrates that such neglect
16 was caused by factors beyond the control of the individual. Upon
17 receipt from the disciplining authority of a finding of fact,
18 stipulated finding of fact, agreed order, or final order that finds the
19 individual health care provider guilty of neglect, abuse, or
20 misappropriation of resident property, the department of social and
21 health services shall report this information to the nursing home where
22 the incident occurred, the long-term care facility where the individual
23 works, if different, and other entities serving vulnerable adults upon
24 request by the entity."

25 Renumber the following sections consecutively and correct internal
26 references accordingly.

27 **2SHB 1850** - H AMD

28 By Representatives Dyer and Cody

29

30 On page 1, line 8 of the title, after "43.70 RCW;" insert "adding
31 a new section to chapter 18.51 RCW;"

1 EFFECT: Clarifies that DSHS makes the preliminary investigation
2 and determination as to whether abuse, neglect or misappropriation of
3 property occurred in a nursing home and then most individual health
4 care providers are referred to the Department of Health or a
5 disciplining authority for disciplinary proceedings. With this
6 amendment, no individual will be subject to two administrative fair
7 hearings or two disciplinary proceedings.

8 Clarifies that DSHS operates the nursing home resident protection
9 program for nursing assistants and nonlicensed nursing home personnel.
10 Clarifies when referrals of preliminarily substantiated complaints are
11 sent by DSHS to the disciplining authorities, the communication of
12 final findings and orders back to DSHS, and prescribes when such
13 information may be released by DSHS.

--- END ---