
SECOND SUBSTITUTE HOUSE BILL 1752

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Cooke, Dyer, Tokuda, McDonald, Sheahan, Cairnes, Cody, Ballasiotes, Bush, Boldt, Wolfe, Mitchell, Doumit, Ogden, Thompson, Blalock, Poulsen, L. Thomas, O'Brien, Costa, Backlund, Voloria, Kenney and Carlson)

Read first time 03/10/97.

1 AN ACT Relating to the long-term care ombudsman program; amending
2 RCW 43.190.010, 43.190.020, 43.190.030, and 43.190.040; and creating a
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 43.190.010 and 1983 c 290 s 1 are each amended to read
6 as follows:

7 The legislature finds that in order to comply with the federal
8 Older Americans Act, provide protection to persons with developmental
9 disabilities, and to effectively assist residents, patients, and
10 clients of long-term care facilities in the assertion of their civil
11 and human rights, a long-term care ombudsman program should be
12 instituted.

13 **Sec. 2.** RCW 43.190.020 and 1995 1st sp.s. c 18 s 32 are each
14 amended to read as follows:

15 As used in this chapter, "long-term care facility" means any of the
16 following:

17 (1) A facility which:

1 (a) Maintains and operates twenty-four hour skilled nursing
2 services for the care and treatment of chronically ill or convalescent
3 patients, including mental, emotional, or behavioral problems, (~~mental~~
4 ~~retardation~~) developmental disability, or alcoholism;

5 (b) Provides supportive, restorative, and preventive health
6 services in conjunction with a socially oriented program to its
7 residents, and which maintains and operates twenty-four hour services
8 including board, room, personal care, and intermittent nursing care.
9 "Long-term health care facility" includes nursing homes and nursing
10 facilities, but does not include acute care hospital or other licensed
11 facilities except for that distinct part of the hospital or facility
12 which provides nursing facility services.

13 (2) Any family home, group care facility, or similar facility
14 determined by the secretary, for twenty-four hour nonmedical care of
15 persons in need of personal services, supervision, or assistance
16 essential for sustaining the activities of daily living or for the
17 protection of the individual.

18 (3) Any swing bed in an acute care facility.

19 **Sec. 3.** RCW 43.190.030 and 1995 c 399 s 105 are each amended to
20 read as follows:

21 There is created the office of the state long-term care ombudsman.
22 The department of community, trade, and economic development shall
23 contract with a private nonprofit organization to provide long-term
24 care ombudsman services as specified under, and consistent with, the
25 federal older Americans act as amended, federal mandates, developmental
26 disabilities provisions in Title 71A RCW, the goals of the state, and
27 the needs of its citizens. The department of community, trade, and
28 economic development shall ensure that all program and staff support
29 necessary to enable the ombudsman to effectively protect the interests
30 of residents, patients, and clients of all long-term care facilities is
31 provided by the nonprofit organization that contracts to provide long-
32 term care ombudsman services. The long-term care ombudsman program
33 shall have the following powers and duties:

34 (1) To provide services for coordinating the activities of long-
35 term care ombudsmen throughout the state;

36 (2) Carry out such other activities as the department of community,
37 trade, and economic development deems appropriate;

1 (3) Establish procedures consistent with RCW 43.190.110 for
2 appropriate access by long-term care ombudsmen to long-term care
3 facilities and patients' records, including procedures to protect the
4 confidentiality of the records and ensure that the identity of any
5 complainant or resident will not be disclosed without the written
6 consent of the complainant or resident, or upon court order;

7 (4) Establish a state-wide uniform reporting system to collect and
8 analyze data relating to complaints and conditions in long-term care
9 facilities for the purpose of identifying and resolving significant
10 problems, with provision for submission of such data to the department
11 of social and health services and to the federal department of health
12 and human services, or its successor agency, on a regular basis; and

13 (5) Establish procedures to assure that any files maintained by
14 ombudsman programs shall be disclosed only at the discretion of the
15 ombudsman having authority over the disposition of such files, except
16 that the identity of any complainant or resident of a long-term care
17 facility shall not be disclosed by such ombudsman unless:

18 (a) Such complainant or resident, or the complainant's or
19 resident's legal representative, consents in writing to such
20 disclosure; or

21 (b) Such disclosure is required by court order.

22 **Sec. 4.** RCW 43.190.040 and 1983 c 290 s 4 are each amended to read
23 as follows:

24 (1) Any long-term care ombudsman authorized by this chapter or a
25 local governmental authority shall have training or experience or both
26 in the following areas:

27 (a) Gerontology, long-term care, or other related social services
28 programs(~~(-)~~);

29 (b) Developmental disabilities;

30 (c) The legal system(~~(-)~~); and

31 ~~((+))~~ (d) Dispute or problem resolution techniques, including
32 investigation, mediation, and negotiation.

33 (2) A long-term care ombudsman shall not have been employed by any
34 long-term care facility within the past three years.

35 (3) No long-term care ombudsman or any member of his or her
36 immediate family shall have, or have had within the past three years,
37 any pecuniary interest in the provision of long-term health care
38 facilities.

1 NEW SECTION. **Sec. 5.** If specific funding for the purposes of this
2 act, referencing this act by bill or chapter number, is not provided by
3 June 30, 1997, in the omnibus appropriations act, this act is null and
4 void.

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