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**SUBSTITUTE HOUSE BILL 1837**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** House Committee on Health Care (originally sponsored by Representatives Ruderman, Parlette, Cody, Carlson, Kenney, Conway, Skinner, Clements, Thomas and Edmonds)

Read first time 03/02/1999.

1 AN ACT Relating to the long-term care ombudsman program; amending  
2 RCW 43.190.060; adding new sections to chapter 43.190 RCW; making  
3 appropriations; and declaring an emergency.

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

5 **Sec. 1.** RCW 43.190.060 and 1995 1st sp.s. c 18 s 33 are each  
6 amended to read as follows:

7 A long-term care ombudsman shall:

8 (1) Identify, investigate, and resolve complaints made by or on  
9 behalf of residents of long-term care facilities relating to  
10 administrative action, inaction, or decisions which may adversely  
11 affect the health, safety, welfare, and rights of these individuals;

12 (2) Monitor the development and implementation of federal, state,  
13 and local laws, rules, regulations, and policies with respect to long-  
14 term care facilities in this state;

15 (3) Provide information as appropriate to residents, resident  
16 representatives, and others regarding the rights of residents, and to  
17 public agencies regarding the problems of individuals residing in long-  
18 term care facilities; and

1 (4) Provide for training volunteers and promoting the development  
2 of citizen organizations to participate in the ombudsman program. ((A  
3 volunteer long-term care ombudsman shall be able to identify and  
4 resolve problems regarding the care of residents in long-term care  
5 facilities and to assist such residents in the assertion of their civil  
6 and human rights. However, volunteers shall not be used for complaint  
7 investigations but may engage in fact-finding activities to determine  
8 whether a formal complaint should be submitted to the department.)) A  
9 trained volunteer long-term care ombudsman, in accordance with the  
10 policies and procedures established by the state long-term care  
11 ombudsman program, shall inform residents, their representatives, and  
12 others about the rights of residents, and may identify, investigate,  
13 and resolve complaints made by or on behalf of residents of long-term  
14 care facilities relating to action, inaction, or decisions, that may  
15 adversely affect the health, safety, welfare, and rights of these  
16 individuals.

17 Nothing in chapter . . . , Laws of 1999 (this act) shall be  
18 construed to empower the state long-term care ombudsman or any local  
19 long-term care ombudsman with statutory or regulatory licensing or  
20 sanctioning authority.

21 NEW SECTION. Sec. 2. A new section is added to chapter 43.190 RCW  
22 to read as follows:

23 A local long-term care ombudsman, including a trained volunteer  
24 long-term care ombudsman, shall have the duties and authority set forth  
25 in the federal older Americans act (42 U.S.C. Sec. 3058 et seq.) for  
26 local ombudsmen. The state long-term care ombudsman and  
27 representatives of the office of the state long-term care ombudsman,  
28 shall have the duties and authority set forth in the federal older  
29 Americans act for the state long-term care ombudsman and  
30 representatives of the office of the state long-term care ombudsman.

31 NEW SECTION. Sec. 3. A new section is added to chapter 43.190 RCW  
32 to read as follows:

33 (1) To keep pace with the recent, rapid growth of licensed beds in  
34 boarding homes and adult family homes, the long-term care ombudsman  
35 program shall increase the number of trained volunteer long-term care  
36 ombudsmen available to residents living in these settings.

1 (2) The department shall provide appropriated funds to the office  
2 of the state long-term care ombudsman for distribution state-wide to  
3 the regional offices of the long-term care ombudsman program.

4 NEW SECTION. **Sec. 4.** (1) The sum of two hundred fifty thousand  
5 dollars, or as much thereof as may be necessary, is appropriated for  
6 the fiscal year ending June 30, 2000, from the general fund to the  
7 department of community, trade, and economic development for the  
8 purposes of this act.

9 (2) The sum of two hundred fifty thousand dollars, or as much  
10 thereof as may be necessary, is appropriated for the fiscal year ending  
11 June 30, 2001, from the general fund to the department of community,  
12 trade, and economic development for the purposes of this act.

13 NEW SECTION. **Sec. 5.** If any provision of this act or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the act or the application of the provision to other  
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
18 preservation of the public peace, health, or safety, or support of the  
19 state government and its existing public institutions, and takes effect  
20 immediately.

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