

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5766

Chapter 133, Laws of 1999

56th Legislature
1999 Regular Session

LONG-TERM CARE OMBUDSMAN--DUTIES

EFFECTIVE DATE: 4/28/99

Passed by the Senate March 15, 1999
YEAS 46 NAYS 0

BRAD OWEN
President of the Senate

Passed by the House April 8, 1999
YEAS 95 NAYS 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

FRANK CHOPP
**Speaker of the
House of Representatives**

Approved April 28, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5766** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

April 28, 1999 - 4:24 p.m.

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5766

Passed Legislature - 1999 Regular Session

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators
Wojahn, Long, Franklin, Winsley, Rasmussen and Costa)

Read first time 03/08/1999.

1 AN ACT Relating to the long-term care ombudsman program; amending
2 RCW 43.190.060; adding a new section to chapter 43.190 RCW; and
3 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. If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

35 NEW SECTION. Sec. 4. This act is necessary for the immediate
36 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately.

Passed the Senate March 15, 1999.

Passed the House April 8, 1999.

Approved by the Governor April 28, 1999.

Filed in Office of Secretary of State April 28, 1999.