

SSB 6160 - H COMM AMD
By Committee on Health Care

ADOPTED 03/02/2004

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that quality
4 assurance efforts will promote compliance with regulations by providers
5 and achieve the goal of providing high quality of care to citizens
6 residing in licensed boarding homes, and may reduce property and
7 liability insurance premium costs for such facilities.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.20 RCW
9 to read as follows:

10 (1) To ensure the proper delivery of services and the maintenance
11 and improvement in quality of care through self-review, any boarding
12 home licensed under this chapter may maintain a quality assurance
13 committee that, at a minimum, includes:

14 (a) A licensed registered nurse under chapter 18.79 RCW;

15 (b) The administrator; and

16 (c) Three other members from the staff of the boarding home.

17 (2) When established, the quality assurance committee shall meet at
18 least quarterly to identify issues that may adversely affect quality of
19 care and services to residents and to develop and implement plans of
20 action to correct identified quality concerns or deficiencies in the
21 quality of care provided to residents.

22 (3) To promote quality of care through self-review without the fear
23 of reprisal, and to enhance the objectivity of the review process, the
24 department shall not require, and the long-term care ombudsman program
25 shall not request, disclosure of any quality assurance committee
26 records or reports, unless the disclosure is related to the committee's
27 compliance with this section, if:

28 (a) The records or reports are not maintained pursuant to statutory
29 or regulatory mandate; and

1 (b) The records or reports are created for and collected and
2 maintained by the committee.

3 (4) If the boarding home refuses to release records or reports that
4 would otherwise be protected under this section, the department may
5 then request only that information that is necessary to determine
6 whether the boarding home has a quality assurance committee and to
7 determine that it is operating in compliance with this section.
8 However, if the boarding home offers the department documents generated
9 by, or for, the quality assurance committee as evidence of compliance
10 with boarding home requirements, the documents are not protected as
11 quality assurance committee documents when in the possession of the
12 department.

13 (5) Good faith attempts by the committee to identify and correct
14 quality deficiencies shall not be used as a basis for sanctions.

15 (6) Any records that are created for and collected and maintained
16 by the quality assurance committee shall not be discoverable or
17 admitted into evidence in a civil action brought against a boarding
18 home.

19 (7) Notwithstanding any records created for the quality assurance
20 committee, the facility shall fully set forth in the resident's
21 records, available to the resident, the department, and others as
22 permitted by law, the facts concerning any incident of injury or loss
23 to the resident, the steps taken by the facility to address the
24 resident's needs, and the resident outcome.

25 **Sec. 3.** RCW 18.20.110 and 2003 c 280 s 1 are each amended to read
26 as follows:

27 The department shall make or cause to be made, at least every
28 eighteen months with an annual average of fifteen months, an inspection
29 and investigation of all boarding homes. However, the department may
30 delay an inspection to twenty-four months if the boarding home has had
31 three consecutive inspections with no written notice of violations and
32 has received no written notice of violations resulting from complaint
33 investigation during that same time period. The department may at
34 anytime make an unannounced inspection of a licensed home to assure
35 that the licensee is in compliance with this chapter and the rules
36 adopted under this chapter. Every inspection shall focus primarily on

1 actual or potential resident outcomes, and may include an inspection of
2 every part of the premises and an examination of all records (~~((other~~
3 ~~than financial records))~~), methods of administration, the general and
4 special dietary, and the stores and methods of supply; however, the
5 department shall not have access to financial records or to other
6 records or reports described in section 2 of this act. Financial
7 records of the boarding home may be examined when the department has
8 reasonable cause to believe that a financial obligation related to
9 resident care or services will not be met, such as a complaint that
10 staff wages or utility costs have not been paid, or when necessary for
11 the department to investigate alleged financial exploitation of a
12 resident. Following such an inspection or inspections, written notice
13 of any violation of this law or the rules adopted hereunder shall be
14 given to the applicant or licensee and the department. The department
15 may prescribe by rule that any licensee or applicant desiring to make
16 specified types of alterations or additions to its facilities or to
17 construct new facilities shall, before commencing such alteration,
18 addition, or new construction, submit plans and specifications therefor
19 to the agencies responsible for plan reviews for preliminary inspection
20 and approval or recommendations with respect to compliance with the
21 rules and standards herein authorized.

22 NEW SECTION. Sec. 4. A new section is added to chapter 18.20 RCW
23 to read as follows:

24 If during an inspection, reinspection, or complaint investigation
25 by the department, a boarding home corrects a violation or deficiency
26 that the department discovers, the department shall record and consider
27 such violation or deficiency for purposes of the facility's compliance
28 history, however the licenser or complaint investigator shall not
29 include in the facility report the violation or deficiency if the
30 violation or deficiency:

- 31 (1) Is corrected to the satisfaction of the department prior to the
32 exit conference;
- 33 (2) Is not recurring; and
- 34 (3) Did not pose a significant risk of harm or actual harm to a
35 resident.

1 For the purposes of this section, "recurring" means that the
2 violation or deficiency was found under the same regulation or statute
3 in one of the two most recent preceding inspections, reinspections, or
4 complaint investigations.

5 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and takes effect
8 immediately."

9 Correct the title.

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