
HOUSE BILL 2496

State of Washington 58th Legislature 2004 Regular Session

By Representatives Schual-Berke, Bailey, Cody and Darneille

Read first time 01/15/2004. Referred to Committee on Health Care.

1 AN ACT Relating to the admission of residents to nursing
2 facilities; amending RCW 74.42.055; and declaring an emergency.

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

4 **Sec. 1.** RCW 74.42.055 and 1987 c 476 s 30 are each amended to read
5 as follows:

6 (1) The purpose of this section is to prohibit discrimination
7 against medicaid recipients by nursing homes which have contracted with
8 the department to provide skilled or intermediate nursing care services
9 to medicaid recipients.

10 (2) It shall be unlawful for any nursing home which has a medicaid
11 contract with the department:

12 (a) To require, as a condition of admission, assurance from the
13 patient or any other person that the patient is not eligible for or
14 will not apply for medicaid;

15 (b) To deny or delay admission or readmission of a person to a
16 nursing home because of his or her status as a medicaid recipient;

17 (c) To transfer a patient, except from a private room to another
18 room within the nursing home, because of his or her status as a
19 medicaid recipient;

1 (d) To transfer a patient to another nursing home because of his or
2 her status as a medicaid recipient;

3 (e) To discharge a patient from a nursing home because of his or
4 her status as a medicaid recipient; or

5 (f) To charge any amounts in excess of the medicaid rate from the
6 date of eligibility, except for any supplementation permitted by the
7 department pursuant to RCW 18.51.070.

8 (3) Any nursing home which has a medicaid contract with the
9 department shall maintain one list of names of persons seeking
10 admission to the facility, which is ordered by the date of request for
11 admission. This information shall be retained for one year from the
12 month admission was requested. However, a nursing facility that has
13 under common ownership, in whole or in part, a boarding home licensed
14 under chapter 18.20 RCW, or independent housing, is not required to
15 place the names of its boarding home or independent retirement housing
16 residents on the list of names of persons seeking admission to the
17 nursing facility.

18 (4) The department may assess monetary penalties of a civil nature,
19 not to exceed three thousand dollars for each violation of this
20 section.

21 (5) Because it is a matter of great public importance to protect
22 senior citizens who need medicaid services from discriminatory
23 treatment in obtaining long-term health care, any violation of this
24 section shall be construed for purposes of the application of the
25 consumer protection act, chapter 19.86 RCW, to constitute an unfair or
26 deceptive act or practice or unfair method of competition in the
27 conduct of trade or commerce.

28 (6) It is not an act of discrimination under this chapter to refuse
29 to admit a patient if admitting that patient would prevent the needs of
30 the other patients residing in that facility from being met at that
31 facility, nor is it an act of discrimination to refuse to admit a
32 patient if admitting that patient would prevent the admission of an
33 individual who has resided within the boarding home or independent
34 retirement housing that is commonly owned, in whole or in part, by the
35 nursing facility.

36 NEW SECTION. Sec. 2. This act is necessary for the immediate

1 preservation of the public peace, health, or safety, or support of the
2 state government and its existing public institutions, and takes effect
3 immediately.

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