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HOUSE BILL 2517

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State of Washington

58th Legislature

2004 Regular Session

By Representatives Kagi, Bailey, Sehlin, Alexander, Darneille, Cody and Schual-Berke

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

1 AN ACT Relating to nursing homes; amending RCW 74.42.310; adding a  
2 new section to chapter 18.51 RCW; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.51 RCW  
5 to read as follows:

6 (1)(a) The department shall identify factors to be considered in  
7 selecting the appropriate remedy to apply to a nursing home that has  
8 not complied with the licensing requirements under this chapter or  
9 chapter 74.42 RCW. In identifying the factors to be used in selecting  
10 an appropriate remedy, the department shall use a scope and severity  
11 method and assign the cited deficiencies to the appropriate category  
12 based on the scope and severity of a deficiency.

13 (b) For the purposes of this section:

14 (i) "Scope of a deficiency" means the frequency, incidence, or  
15 extent of the occurrence of the deficiency.

16 (ii) "Severity of a deficiency" means the seriousness of the  
17 deficiency and may include consideration of actual or potential harm to  
18 the resident and the impact of the actual or potential harm on the  
19 resident.

1 (c) The scope and severity factors identified by the department  
2 shall not exceed the federal factors for determining scope and severity  
3 of deficiencies cited under 1919(h) and 1819(h) of the federal social  
4 security act and 42 C.F.R. 488.404, as existing on January 1, 2004.

5 (2) Based on the determination of the scope and severity of the  
6 deficiency citation, the department shall apply penalties to the  
7 nursing home, as specified in RCW 18.51.060. The remedies applied by  
8 the department shall not exceed the federal requirements for selecting  
9 remedies under 1919(h) and 1819(h) of the federal social security act  
10 and 42 C.F.R. 488.408, as existing on January 1, 2004, except that the  
11 department may use stop placement of new admissions as a remedy.

12 **Sec. 2.** RCW 74.42.310 and 1980 c 184 s 10 are each amended to read  
13 as follows:

14 (1) A facility shall have sufficient personnel to supervise the  
15 residents, direct self-help dining skills, and to insure that each  
16 resident receives enough food.

17 (2) Nursing homes may implement a paid feeding assistant program to  
18 the full degree permitted by federal regulation, 42 C.F.R. 483, as it  
19 exists on the effective date of this act, and the department shall  
20 approve training requirements for feeding assistants consistent with  
21 what is required under federal regulation. Training for feeding  
22 assistants shall not exceed eight hours, and the department shall  
23 approve training curricula and programs designed by associations  
24 representing nursing homes licensed under chapter 18.51 RCW. Feeding  
25 assistants shall work under the supervision of licensed nurses, with  
26 their competency to be determined by those nurses without testing.

27 (3) A facility shall provide table service for all residents,  
28 including residents in wheelchairs, who are capable and willing to eat  
29 at tables.

30 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
31 preservation of the public peace, health, or safety, or support of the  
32 state government and its existing public institutions, and takes effect  
33 immediately.

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