
SUBSTITUTE SENATE BILL 6466

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senator Fairley)

READ FIRST TIME 02/06/04.

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 is
13 permitted to give preferential admission to individuals who seek
14 admission from a boarding home, licensed under chapter 18.20 RCW, or
15 from independent retirement housing, provided the nursing facility is
16 owned by the same entity that owns the boarding home or independent
17 housing which are located within the same county; and provided further,
18 the purpose of such preferential admission is to allow continued
19 provision of: (a) Culturally or faith-based services, or (b) services
20 provided by a continuing care retirement community as defined in RCW
21 70.38.025.

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

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

32 (6) It is not an act of discrimination under this chapter to refuse
33 to admit a patient if admitting that patient would prevent the needs of
34 the other patients residing in that facility from being met at that
35 facility, or if the facility's refusal is consistent with subsection
36 (3) of this section.

1 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

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