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SENATE BILL 6485

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State of Washington

58th Legislature

2004 Regular Session

By Senators Deccio and Winsley

Read first time 01/21/2004. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to improving the regulatory environment for  
2 hospitals; amending RCW 70.41.080 and 70.41.120; adding new sections to  
3 chapter 70.41 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The department of health, in cooperation  
6 with the Washington state hospital association, shall oversee a pilot  
7 project to implement and evaluate strategies to reduce the burden on  
8 hospitals, and improve the quality and efficiency, of hospital surveys  
9 or audits.

10 (2) The pilot project shall also include the state auditor's  
11 office, the department of revenue, the department of social and health  
12 services, the state board of pharmacy, the department of ecology, the  
13 office of the state fire marshal, the department of labor and  
14 industries, local building and fire officials, and the joint commission  
15 on accreditation of health care organizations.

16 (3) Strategies to be implemented and evaluated by the pilot project  
17 include, but are not limited to, providing notice of survey and audit  
18 visits, consolidation of survey and audit visits, coordination of  
19 separate survey and audit visits, deeming of one agency's visits for

1 another, using a combined entrance meeting with hospital management,  
2 identifying a standard set of documents to be available for all surveys  
3 and audits, and minimizing duplication of required documents.

4 (4) The department of health shall report to the legislature by  
5 December 1, 2004, regarding the results of the pilot project and the  
6 strategies identified for adoption on a statewide basis to improve the  
7 regulatory environment for hospitals while assuring the safety and  
8 well-being of patients and full compliance with relevant state and  
9 local laws.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.41 RCW  
11 to read as follows:

12 (1) Unless the context clearly requires otherwise, the definitions  
13 in this subsection apply throughout this section.

14 (a) "Agency" means a department of state government created under  
15 RCW 43.17.010 and the office of the state auditor.

16 (b) "Audit" means an examination of records or financial accounts  
17 to evaluate accuracy and monitor compliance with statutory or  
18 regulatory requirements.

19 (c) "Hospital" means a hospital licensed under chapter 70.41 RCW.

20 (d) "Survey" means an inspection, examination, or site visit  
21 conducted by an agency to evaluate and monitor the compliance of a  
22 hospital or hospital services or facilities with statutory or  
23 regulatory requirements.

24 (2) By July 1, 2004, each state agency which conducts hospital  
25 surveys or audits shall post to its agency web site a list of the most  
26 frequent problems identified in its hospital surveys or audits along  
27 with information on how to avoid or address the identified problems,  
28 and a person within the agency that a hospital may contact with  
29 questions or for further assistance.

30 (3) By July 1, 2004, the department of health, in cooperation with  
31 other state agencies which conduct hospital surveys or audits, shall  
32 develop an instrument, to be provided to every hospital upon completion  
33 of a state survey or audit, which allows the hospital to anonymously  
34 evaluate the survey or audit process in terms of quality, efficacy, and  
35 the extent to which it supported improved patient care and compliance  
36 with state law without placing an unnecessary administrative burden on  
37 the hospital. The evaluation may be returned to the department of

1 health for distribution to the appropriate agency. The department of  
2 health shall annually compile the evaluations in a report to the  
3 legislature.

4 (4) Any state agency that provides notice of a hospital survey or  
5 audit must provide such notice to the hospital no less than four weeks  
6 prior to the date of the survey or audit.

7 **Sec. 3.** RCW 70.41.080 and 1995 c 369 s 40 are each amended to read  
8 as follows:

9 Standards for fire protection and the enforcement thereof, with  
10 respect to all hospitals to be licensed hereunder shall be the  
11 responsibility of the chief of the Washington state patrol, through the  
12 director of fire protection, who shall adopt, after approval by the  
13 department, such recognized standards as may be applicable to hospitals  
14 for the protection of life against the cause and spread of fire and  
15 fire hazards. Such standards shall be consistent with the standards  
16 adopted by the federal centers for medicare and medicaid services for  
17 hospitals that care for medicare or medicaid beneficiaries. The  
18 department upon receipt of an application for a license, shall submit  
19 to the director of fire protection in writing, a request for an  
20 inspection, giving the applicant's name and the location of the  
21 premises to be licensed. Upon receipt of such a request, the chief of  
22 the Washington state patrol, through the director of fire protection,  
23 or his or her deputy, shall make an inspection of the hospital to be  
24 licensed, and if it is found that the premises do not comply with the  
25 required safety standards and fire regulations as adopted pursuant to  
26 this chapter, he or she shall promptly make a written report to the  
27 hospital and to the department listing the corrective actions required  
28 and the time allowed for accomplishing such corrections. The applicant  
29 or licensee shall notify the chief of the Washington state patrol,  
30 through the director of fire protection, upon completion of any  
31 corrections required by him or her, and the chief of the Washington  
32 state patrol, through the director of fire protection, or his or her  
33 deputy, shall make a reinspection of such premises. Whenever the  
34 hospital to be licensed meets with the approval of the chief of the  
35 Washington state patrol, through the director of fire protection, he or  
36 she shall submit to the department a written report approving the  
37 hospital with respect to fire protection, and such report is required

1 before a full license can be issued. The chief of the Washington state  
2 patrol, through the director of fire protection, shall make or cause to  
3 be made inspections of such hospitals at least once a year.

4 In cities which have in force a comprehensive building code, the  
5 provisions of which are determined by the chief of the Washington state  
6 patrol, through the director of fire protection, to be equal to the  
7 minimum standards of the code for hospitals adopted by the chief of the  
8 Washington state patrol, through the director of fire protection, the  
9 chief of the fire department, provided the latter is a paid chief of a  
10 paid fire department, shall make the inspection with the chief of the  
11 Washington state patrol, through the director of fire protection, or  
12 his or her deputy and they shall jointly approve the premises before a  
13 full license can be issued.

14 **Sec. 4.** RCW 70.41.120 and 1995 c 282 s 4 are each amended to read  
15 as follows:

16 The department shall make or cause to be made at least yearly an  
17 inspection of all hospitals. Every inspection of a hospital may  
18 include an inspection of every part of the premises. The department  
19 may make an examination of all phases of the hospital operation  
20 necessary to determine compliance with the law and the standards, rules  
21 and regulations adopted thereunder. Any licensee or applicant desiring  
22 to make alterations or additions to its facilities or to construct new  
23 facilities shall, before commencing such alteration, addition or new  
24 construction, comply with the regulations prescribed by the department.

25 No hospital licensed pursuant to the provisions of this chapter  
26 shall be required to be inspected or licensed under other state laws or  
27 rules and regulations promulgated thereunder, or local ordinances,  
28 relative to hotels, restaurants, lodging houses, boarding houses,  
29 places of refreshment, nursing homes, maternity homes, or psychiatric  
30 hospitals.

31 To avoid unnecessary duplication in inspections, the department  
32 shall coordinate with the department of social and health services, the  
33 office of the state fire marshal, and local agencies when inspecting  
34 facilities over which (~~both agencies have~~) each agency has  
35 jurisdiction, the facilities including but not necessarily being  
36 limited to hospitals with both acute care and skilled nursing or  
37 psychiatric nursing functions. The department shall notify the office

1 of the state fire marshal and the relevant local agency at least four  
2 weeks prior to any inspection conducted under this section and invite  
3 their attendance at the inspection, and shall provide a copy of its  
4 inspection report to each agency upon completion.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.41 RCW  
6 to read as follows:

7 (1) The department shall coordinate its hospital construction  
8 review process with other state and local agencies having similar  
9 review responsibilities, including the department of labor and  
10 industries, the office of the state fire marshal, and local building  
11 and fire officials. Inconsistencies or conflicts among the agencies  
12 shall be identified and eliminated. The department shall provide local  
13 agencies with relevant information derived from its construction review  
14 process.

15 (2) By September 1, 2004, the department shall report to the  
16 legislature regarding its implementation of subsection (1) of this  
17 section.

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