

HOUSE BILL REPORT

SHB 1606

As Passed Legislature

Title: An act relating to fairness in the informal dispute resolution process.

Brief Description: Providing for fairness in the informal dispute resolution process.

Sponsors: By House Committee on Health Care (originally sponsored by Representatives Green, Skinner, Cody, Bailey, Clibborn, Williams, Morrell and Schual-Berke).

Brief History:

Committee Activity:

Health Care: 2/22/05, 2/28/05 [DPS].

Floor Activity:

Passed House: 3/9/05, 96-0.

Senate Amended.

Passed Senate: 4/14/05, 45-0.

House Concurred.

Passed House: 4/23/05, 92-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Clarifies necessary steps in the informal dispute resolution process.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Cody, Chair; Campbell, Vice Chair; Morrell, Vice Chair; Bailey, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander, Appleton, Clibborn, Condotta, Green, Hinkle, Lantz, Moeller, Schual-Berke and Skinner.

Staff: Dave Knutson (786-7146).

Background:

A boarding home provider has the right to review and reconsideration of a Department of Social and Health Services (DSHS) finding of regulatory non-compliance through an Informal Dispute Resolution (IDR) process. The IDR process allows the provider an opportunity to share information with a department staff person who was not involved in the citation process itself. If the DSHS determines that a violation should have been cited, the department adds

the citation or enforcement remedy to an existing citation report, usually within 10 days of completing an inspection.

Currently, nursing home providers can utilize a federally mandated IDR process provided under Title 42 CFR 488.331. States are not required to create any new or additional processes if their existing process meets the requirements set out in the State Operations Manual. The IDR established by the state is required to be in writing and available for review upon request.

Summary of Substitute Bill:

If the DSHS determines that a violation should have been cited under a different more appropriate regulation, the DSHS must revise the report, statement of deficiencies, or enforcement remedy accordingly.

Nursing home providers have the right to an informal review to present written evidence to refute the findings or deficiencies cited during a licensing or certification survey or a complaint investigation.

The request for informal dispute resolution will not delay the effective date of any enforcement remedy imposed by the DSHS. Civil monetary fines are not payable until exhaustion of hearings and appeal rights. Residents or resident representatives will be given an opportunity to provide input in an informal dispute resolution proceeding.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Licensed long-term care facilities should have access to an informal dispute resolution process. The informal dispute resolution process needs to be fair and objective. Residents should also be a party to the dispute resolution process.

Testimony Against: None.

Persons Testifying: (In support) Representative Green, prime sponsor; Deb Murphy, Washington Association of Housing and Services for the Aging; Jonathan Eames, Washington Health Care Association and Washington Center for Assisted Living; Laurie St. Ours, Northwest Assisted Living Facilities Association.

(With concerns) Louise Ryan and Jeff Collard, Long Term Care Ombudsman Program; and Hilke Faber, Resident Councils of Washington.

Persons Signed In To Testify But Not Testifying: None.