
Health Care Committee

HB 1606

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

Sponsors: Representatives Green, Skinner, Cody, Bailey, Clibborn, Williams, Morrell and Schual-Berke.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Clarifies necessary steps in the informal dispute resolution process.

Hearing Date: 2/22/05

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 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. State's 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 Bill:

If DSHS determines that a violation should have been cited under a different more appropriate regulation, 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.

Requests for informal review must be made in writing within ten working days of the date on which the statement of deficiencies was received by the provider. DSHS convenes a meeting

within ten working days of receipt of the request, unless by mutual agreement, a later date is agreed upon.

The informal dispute resolution process provided by DSHS shall include an opportunity for review by a department employee who did not participate in the determination of the violation or enforcement remedy under dispute.

The request for informal dispute resolution will not delay the effective date of any enforcement remedy imposed by DSHS. Civil monetary fines are not payable until exhaustion of hearings and appeal rights.

Appropriation: None.

Fiscal Note: Requested on February 17, 2005.

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