

SENATE BILL REPORT

SB 5698

As Reported By Senate Committee On:
Health & Long-Term Care, February 28, 2005

Title: An act relating to quality assurance in boarding homes, nursing homes, hospitals, peer review organizations, and coordinated quality improvement plans.

Brief Description: Regarding quality assurance in boarding homes, nursing homes, hospitals, peer review organizations, and coordinated quality improvement plans.

Sponsors: Senators Franklin, Benson, Keiser, Parlette, Deccio and Rasmussen.

Brief History:

Committee Activity: Health & Long-Term Care: 2/9/05, 2/28/05 [DPS].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5698 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen.

Staff: Sharon Swanson (786-7447)

Background: Many believe that facilitation of the quality assurance process in licensed boarding homes and nursing homes will promote safe patient care and may reduce property and liability insurance premium costs for such facilities.

It is the opinion of many that heightening the protection of quality assurance committee records will promote self-monitoring of patient care outcomes and allow facilities to correct identified problems at the earliest point in time.

Summary of Substitute Bill: Nursing homes may maintain a quality assurance committee. The committee must, at a minimum include a director of nursing services, a physician, and three other members from the staff of the facility. The committee must meet quarterly with the purpose of identifying issues that may adversely affect quality of care and services.

The Department of Social and Health Services (DSHS) may not require, and the long-term care ombudsman cannot request, disclosure of any quality assurance committee records or reports unless otherwise statutorily required.

The information and documents, including complaints and incident reports, created specifically for, and collected and maintained by a quality improvement committees for boarding homes and nursing homes, are not subject to discovery or introduction into evidence in any civil action.

Participants in the processes of the quality assurance committees for boarding homes and nursing homes, are not permitted or required to testify in any civil action as to the content of proceedings or the documents and information prepared specifically for the committee.

Information and documents disclosed by one quality assurance committee to another quality assurance committee and any information and documents created or maintained as a result of the sharing of information is not subject to the discovery process.

Substitute Bill Compared to Original Bill: Technical changes to clarify that the Department of Social and Health Services is not liable for inadvertent disclosure or disclosure of documents incorrectly marked as quality assurance committee documents by the facility.

Appropriation: None.

Fiscal Note: Requested on February 8, 2005.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Extends a process already available to hospitals to nursing homes. This is an important bill for patient quality of care. Boarding homes have this, hospitals have it, nursing homes should as well.

Testimony Against: The Department of Social and Health Services is concerned about potential tort liability. The public expects records release from department, concerns about not being able to release information under this bill.

Who Testified: PRO: Lauri St. Ours, Northwest Assisted Living Federation Association; Deb Murphy, Washington Association of Housing & Services for the Aging; Jon Eames, Washington Health Care Association.

CON: Kathy Leitch, Division of Social and Health Services.