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HOUSE BILL 2742

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State of Washington

59th Legislature

2006 Regular Session

By Representatives Clibborn, Morrell, Curtis, Moeller, Schual-Berke and Flannigan

Read first time 01/12/2006. Referred to Committee on Health Care.

1 AN ACT Relating to the provision of services to independent  
2 residents in a continuing care retirement community; amending RCW  
3 18.20.020; and adding a new section to chapter 74.39 RCW.

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

5 **Sec. 1.** RCW 18.20.020 and 2004 c 142 s 1 are each amended to read  
6 as follows:

7 As used in this chapter:

8 (1) "Boarding home" means any home or other institution, however  
9 named, which is advertised, announced, or maintained for the express or  
10 implied purpose of providing housing, basic services, and assuming  
11 general responsibility for the safety and well-being of the residents,  
12 and may also provide domiciliary care, consistent with chapter 142,  
13 Laws of 2004, to seven or more residents after July 1, 2000. However,  
14 a boarding home that is licensed for three to six residents prior to or  
15 on July 1, 2000, may maintain its boarding home license as long as it  
16 is continually licensed as a boarding home. "Boarding home" shall not  
17 include facilities certified as group training homes pursuant to RCW  
18 71A.22.040, nor any home, institution or section thereof which is  
19 otherwise licensed and regulated under the provisions of state law

1 providing specifically for the licensing and regulation of such home,  
2 institution or section thereof. Nor shall it include any independent  
3 senior housing, independent living units in continuing care retirement  
4 communities, or other similar living situations including those  
5 subsidized by the department of housing and urban development.

6 (2) "Basic services" means housekeeping services, meals, nutritious  
7 snacks, laundry, and activities.

8 (3) "Person" means any individual, firm, partnership, corporation,  
9 company, association, or joint stock association, and the legal  
10 successor thereof.

11 (4) "Secretary" means the secretary of social and health services.

12 (5) "Department" means the state department of social and health  
13 services.

14 (6) "Resident's representative" means a person designated  
15 voluntarily by a competent resident, in writing, to act in the  
16 resident's behalf concerning the care and services provided by the  
17 boarding home and to receive information from the boarding home, if  
18 there is no legal representative. The resident's competence shall be  
19 determined using the criteria in RCW 11.88.010(1)(e). The resident's  
20 representative may not be affiliated with the licensee, boarding home,  
21 or management company, unless the affiliated person is a family member  
22 of the resident. The resident's representative shall not have  
23 authority to act on behalf of the resident once the resident is no  
24 longer competent.

25 (7) "Domiciliary care" means: Assistance with activities of daily  
26 living provided by the boarding home either directly or indirectly; or  
27 health support services, if provided directly or indirectly by the  
28 boarding home; or intermittent nursing services, if provided directly  
29 or indirectly by the boarding home.

30 (8) "General responsibility for the safety and well-being of the  
31 resident" means the provision of the following: Prescribed general low  
32 sodium diets; prescribed general diabetic diets; prescribed mechanical  
33 soft foods; emergency assistance; monitoring of the resident; arranging  
34 health care appointments with outside health care providers and  
35 reminding residents of such appointments as necessary; coordinating  
36 health care services with outside health care providers consistent with  
37 RCW 18.20.380; assisting the resident to obtain and maintain glasses,  
38 hearing aids, dentures, canes, crutches, walkers, wheelchairs, and

1 assistive communication devices; observation of the resident for  
2 changes in overall functioning; blood pressure checks as scheduled;  
3 responding appropriately when there are observable or reported changes  
4 in the resident's physical, mental, or emotional functioning; or  
5 medication assistance as permitted under RCW 69.41.085 and as defined  
6 in RCW 69.41.010.

7 (9) "Legal representative" means a person or persons identified in  
8 RCW 7.70.065 who may act on behalf of the resident pursuant to the  
9 scope of their legal authority. The legal representative shall not be  
10 affiliated with the licensee, boarding home, or management company,  
11 unless the affiliated person is a family member of the resident.

12 (10) "Nonresident individual" means a person who resides in  
13 independent senior housing, independent living units in continuing care  
14 retirement communities, or in other similar living environments or in  
15 a boarding home and may receive one or more of the services listed in  
16 RCW 18.20.030(5)~~((, but))~~. A nonresident individual residing in an  
17 unlicensed apartment within a boarding home, or in independent senior  
18 housing that is not part of a continuing care retirement community, or  
19 other similar living environments, may not receive domiciliary care, as  
20 defined in this chapter, directly or indirectly by the ((facility))  
21 boarding home and may not receive the items and services listed in  
22 subsection (8) of this section, except during the time the person is  
23 receiving adult day service as defined in this section. A nonresident  
24 individual residing in independent senior housing that is part of a  
25 continuing care retirement community may, in addition to the services  
26 listed in RCW 18.20.030(5), receive the services listed in section 2 of  
27 this act.

28 (11) "Resident" means an individual who is not related by blood or  
29 marriage to the operator of the boarding home, and by reason of age or  
30 disability, chooses to reside in the boarding home and receives basic  
31 services and one or more of the services listed under general  
32 responsibility for the safety and well-being of the resident and may  
33 receive domiciliary care or respite care provided directly or  
34 indirectly by the boarding home and shall be permitted to receive  
35 hospice care through an outside service provider when arranged by the  
36 resident or the resident's legal representative under RCW 18.20.380.

37 (12) "Resident applicant" means an individual who is seeking  
38 admission to a licensed boarding home and who has completed and signed

1 an application for admission, or such application for admission has  
2 been completed and signed in their behalf by their legal representative  
3 if any, and if not, then the designated representative if any.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.39 RCW  
5 to read as follows:

6 (1) A continuing care retirement community may provide the  
7 following supportive services and health care services to nonresidents  
8 who reside in the independent senior housing setting to promote  
9 independence, personal hygiene, and safety in his or her own apartment:

- 10 (a) Assistance with compression stockings;
- 11 (b) Assistance with inserting hearing aids;
- 12 (c) Setting up medi-sets;
- 13 (d) Medication assistance consistent with RCW 69.41.085 and as  
14 defined in RCW 69.41.010;
- 15 (e) Postsurgery dressing changes, nonsterile;
- 16 (f) Removal of sutures postsurgery;
- 17 (g) Ear irrigation;
- 18 (h) Resident specific blood pressure monitoring following a  
19 medication change;
- 20 (i) Reminding the nonresident of a scheduled health care  
21 appointment;
- 22 (j) Delivery of meals to nonresidents;
- 23 (k) First aid care;
- 24 (l) Oxygen tank adjustment; and
- 25 (m) Blood glucose monitoring including the administration of  
26 insulin as defined in RCW 69.41.010.

27 The supportive services or health care services that may be  
28 provided are services that a person without a functional limitation  
29 would customarily and personally perform without assistance or are  
30 services that are provided as a convenience to the nonresident.

31 (2) The individual who chooses to receive supportive services or  
32 health care services is responsible for initiating the scheduling of  
33 such services by informing the continuing care retirement community of  
34 those permitted tasks that the individual would need or prefer to have  
35 performed or provided.

36 (3) When a licensed health care provider orders treatment involving  
37 a health care task to be performed under this section, the

1 responsibility to ascertain that the patient understands the treatment  
2 and will be able to follow through on the care task is the same as it  
3 would be for a patient who performs the health care task for himself or  
4 herself, and the licensed health care provider incurs no additional  
5 liability when ordering a health care task which is to be performed  
6 under this section.

7 (4) The responsibility to initiate self-directed health care tasks,  
8 to possess the necessary knowledge and training for those tasks, and to  
9 exercise judgment regarding the manner of their performance rests and  
10 remains with the person who has chosen to request that those tasks be  
11 provided or performed by the continuing care retirement community.

12 (5) For the purpose of this section, a continuing care retirement  
13 community has the same meaning defined in RCW 70.38.025.

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