
SENATE BILL 5649

State of Washington

59th Legislature

2005 Regular Session

By Senators Keiser, Deccio, Thibaudeau, Parlette and Benson

Read first time 02/01/2005. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to fairness in the informal dispute resolution
2 process; amending RCW 18.20.195; and adding a new section to chapter
3 18.51 RCW.

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

5 **Sec. 1.** RCW 18.20.195 and 2004 c 140 s 5 are each amended to read
6 as follows:

7 (1) The licensee or its designee has the right to an informal
8 dispute resolution process to dispute any violation found or
9 enforcement remedy imposed by the department during a licensing
10 inspection or complaint investigation. The purpose of the informal
11 dispute resolution process is to provide an opportunity for an exchange
12 of information that may lead to the modification, deletion, or removal
13 of a violation, or parts of a violation, or enforcement remedy imposed
14 by the department.

15 (2) The informal dispute resolution process provided by the
16 department shall include, but is not necessarily limited to, an
17 opportunity for review by a department employee who did not participate
18 in, or oversee, the determination of the violation or enforcement

1 remedy under dispute. The department shall develop, or further
2 develop, an informal dispute resolution process consistent with this
3 section.

4 (3) A request for an informal dispute resolution shall be made to
5 the department within ten working days from the receipt of a written
6 finding of a violation or enforcement remedy. The request shall
7 identify the violation or violations and enforcement remedy or remedies
8 being disputed. The department shall convene a meeting, when possible,
9 within ten working days of receipt of the request for informal dispute
10 resolution, unless by mutual agreement a later date is agreed upon.

11 (4) If the department determines that a violation or enforcement
12 remedy should not be cited or imposed, the department shall delete the
13 violation or immediately rescind or modify the enforcement remedy. If
14 the department determines that a violation should have been cited (~~or~~
15 ~~an enforcement remedy imposed~~) under a different more appropriate
16 regulation, the department shall (~~add the citation or enforcement~~
17 ~~remedy~~) revise the report, statement of deficiencies, or enforcement
18 remedy accordingly. Upon request, the department shall issue a clean
19 copy of the revised report, statement of deficiencies, or notice of
20 enforcement action.

21 (5) The request for informal dispute resolution does not delay the
22 effective date of any enforcement remedy imposed by the department,
23 except that civil monetary fines are not payable until the exhaustion
24 of any formal hearing and appeal rights provided under this chapter.
25 The licensee shall submit to the department, within the time period
26 prescribed by the department, a plan of correction to address any
27 undisputed violations, and including any violations that still remain
28 following the informal dispute resolution.

29 NEW SECTION. Sec. 2. A new section is added to chapter 18.51 RCW
30 to read as follows:

31 (1) A nursing home provider shall have the right to an informal
32 review to present written evidence to refute the findings or
33 deficiencies cited during a licensing or certification survey or a
34 complaint investigation. A request for an informal review must be made
35 in writing within ten working days of the date on which the statement
36 of deficiencies was received by the provider. The request shall

1 identify the violation or violations and enforcement remedy or remedies
2 being disputed.

3 (2) The department shall convene a meeting, when possible, within
4 ten working days of receipt of the request for informal dispute
5 resolution, unless by mutual agreement a later date is agreed upon.

6 (3) The purpose of the informal dispute resolution process is to
7 provide an opportunity for an exchange of information that may lead to
8 the modification, deletion, or removal of a violation, or parts of a
9 violation, or enforcement remedy imposed by the department.

10 (4) The informal dispute resolution process provided by the
11 department shall include, but is not necessarily limited to, an
12 opportunity for review by a department employee who did not participate
13 in or oversee the determination of the violation or enforcement remedy
14 under dispute. The department shall develop, or further develop, an
15 informal dispute resolution process consistent with this section.

16 (5) If the department determines that a violation or enforcement
17 remedy should not be cited or imposed, the department shall delete the
18 violation or immediately rescind or modify the enforcement remedy. If
19 the department determines that a violation should have been cited under
20 a different more appropriate regulation, the department shall revise
21 the statement of deficiencies or enforcement remedy accordingly. Upon
22 request, the department shall issue a clean copy of the statement of
23 deficiencies or notice of enforcement action. The request for informal
24 dispute resolution does not delay the effective date of any enforcement
25 remedy imposed by the department, except that civil monetary fines are
26 not payable until the exhaustion of any formal hearing and appeal
27 rights provided under this chapter.

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