
SUBSTITUTE SENATE BILL 6391

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Deccio, Thibaudeau and Fairley)

READ FIRST TIME 02/01/06.

1 AN ACT Relating to the provision of services for nonresident
2 individuals residing in long-term care settings; amending RCW
3 18.20.020; adding a new section to chapter 18.20 RCW; and adding a new
4 section to chapter 74.39 RCW.

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

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

8 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

13 (10) "Nonresident individual" means a person who resides in
14 independent senior housing, independent living units in continuing care
15 retirement communities, or in other similar living environments or in
16 a boarding home and may receive one or more of the services listed in
17 RCW 18.20.030(5)~~((, but))~~. A nonresident individual may not receive
18 domiciliary care, as defined in this chapter, directly or indirectly by
19 the ((facility)) boarding home and may not receive the items and
20 services listed in subsection (8) of this section, except during the
21 time the person is receiving adult day services as defined in this
22 section. A nonresident individual residing in independent senior
23 housing that is part of a continuing care retirement community may, in
24 addition to the services listed in RCW 18.20.030(5), receive the
25 services listed in section 3 of this act.

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

35 (12) "Resident applicant" means an individual who is seeking
36 admission to a licensed boarding home and who has completed and signed
37 an application for admission, or such application for admission has

1 been completed and signed in their behalf by their legal representative
2 if any, and if not, then the designated representative if any.

3 (13) "Adult day services" means care and services provided to a
4 nonresident individual by the boarding home on the boarding home
5 premises, for a period of less than twenty-four continuous hours, and
6 does not involve an overnight stay.

7 NEW SECTION. Sec. 2. A new section is added to chapter 18.20 RCW
8 to read as follows:

9 Nothing in this chapter shall be interpreted as limiting the right
10 of any resident or nonresident as defined in RCW 18.20.020 from
11 receiving services that are provided under Title XVIII of the federal
12 social security act.

13 NEW SECTION. Sec. 3. A new section is added to chapter 74.39 RCW
14 to read as follows:

15 (1) A continuing care retirement community may provide certain
16 supportive services and health care services to nonresidents who reside
17 in the independent senior housing setting to promote independence,
18 personal hygiene, and safety in his or her own apartment.

19 (2) The supportive services or health care services that may be
20 provided are services that a person without a functional limitation
21 would customarily and personally perform without assistance or are
22 services that are provided as a convenience to the nonresident. Home
23 health agencies and hospice agencies are allowed to provide
24 beneficiaries with these services to which they are otherwise entitled
25 as a matter of federal law.

26 (3) The individual who chooses to receive supportive services or
27 health care services is responsible for initiating the scheduling of
28 such services by informing the continuing care retirement community of
29 those permitted services that the individual would need or prefer to
30 have performed or provided.

31 (4) The responsibility to initiate supportive services or health
32 care tasks, to possess the necessary knowledge and training for those
33 tasks, and to exercise judgment regarding the manner of their
34 performance rests and remains with the person who has chosen to request
35 that those tasks be provided or performed by the continuing care
36 retirement community.

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

9 (6) Nurses, advanced registered nurse practitioners, or nurse
10 practitioners, licensed under chapter 18.79 RCW, may perform the
11 following supportive services or health care tasks to nonresidents who
12 reside in the independent senior housing setting of a continuing care
13 retirement community, or may delegate these tasks to registered or
14 certified nursing assistants in accordance with RCW 18.79.260:

- 15 (a) Ear irrigation;
- 16 (b) Blood glucose monitoring;
- 17 (c) Assistance with compression stockings;
- 18 (d) Assistance with inserting hearing aids;
- 19 (e) Nonresident specific blood pressure monitoring following a
20 medication change;
- 21 (f) Reminding the nonresident of a scheduled health care
22 appointment;
- 23 (g) Delivery of meals to nonresidents; and
- 24 (h) First aid care.

25 (7) Persons providing services under subsection (6) of this section
26 shall document the supportive services or health care services given
27 and the client's response to the services or care.

28 (8) Licensed nurses, or registered or certified nursing assistants
29 under chapter 18.88A RCW, when providing services under subsection (6)
30 of this section, shall document the supportive services or health care
31 services given and the client's response to the services or care.

32 (9) Persons providing health care services or supportive services
33 under this section shall not simultaneously be responsible for
34 providing care and services in the licensed boarding home or nursing
35 home of the continuing care retirement community.

36 (10) For the purpose of this section, a continuing care retirement

1 community has the same meaning defined in RCW 70.38.025.

--- END ---