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SENATE BILL 6809

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State of Washington

59th Legislature

2006 Regular Session

By Senator Keiser

Read first time 01/25/2006. Referred to Committee on Health & Long-Term Care.

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

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

5 **Sec. 1.** RCW 18.20.195 and 2005 c 506 s 1 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) The department shall provide an opportunity during the informal  
12 dispute resolution process for input from interested residents and  
13 resident representatives. This input must be provided in a meeting,  
14 conducted either by telephone or in person, that is separate from the  
15 department's meeting with the licensee or its designee. The term  
16 "resident representatives" means those individuals with authority to  
17 act on behalf of residents with diminished capacity, including  
18 guardians, trustees, agents holding durable power of attorney, and  
19 family members with authority under RCW 7.70.065. Representatives of  
20 the long-term care ombudsman program may also provide input at the  
21 request of residents, their representatives, or the department.

22 (5) If the department determines that a violation or enforcement  
23 remedy should not be cited or imposed, the department shall delete the  
24 violation or immediately rescind or modify the enforcement remedy. If  
25 the department determines that a violation should have been cited under  
26 a different more appropriate regulation, the department shall revise  
27 the report, statement of deficiencies, or enforcement remedy  
28 accordingly. Upon request, the department shall issue a clean copy of  
29 the revised report, statement of deficiencies, or notice of enforcement  
30 action.

31 ((+5)) (6) The request for informal dispute resolution does not  
32 delay the effective date of any enforcement remedy imposed by the  
33 department, except that civil monetary fines are not payable until the  
34 exhaustion of any formal hearing and appeal rights provided under this  
35 chapter. The licensee shall submit to the department, within the time  
36 period prescribed by the department, a plan of correction to address  
37 any undisputed violations, and including any violations that still  
38 remain following the informal dispute resolution.

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

3        Whenever the department conducts an informal dispute resolution  
4   process with the nursing home provider, following a licensing or  
5   certification survey or a complaint investigation, the department shall  
6   provide an opportunity for input from interested residents and resident  
7   representatives.   This input must be provided in a meeting, conducted  
8   either by telephone or in person, that is separate from the  
9   department's meeting with the nursing home provider.   The term  
10   "resident representatives" means those individuals with authority to  
11   act on behalf of residents with diminished capacity, including  
12   guardians, trustees, agents holding durable power of attorney, and  
13   family members with authority under RCW 7.70.065.   Representatives of  
14   the long-term care ombudsman program may also provide input at the  
15   request of residents, their representatives, or the department.

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