

FINAL BILL REPORT

SSB 6807

PARTIAL VETO

C 251 L 08

Synopsis as Enacted

Brief Description: Restricting long-term care facilities.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kastama, Keiser, Fairley and Kohl-Welles).

Senate Committee on Health & Long-Term Care
House Committee on Health Care & Wellness

Background: Under current law, long-term care facilities may not discharge or transfer residents unless one or more of the following conditions exist: the action is necessary for the resident's welfare; the facility cannot meet the resident's needs; the safety of the resident or other residents are endangered; the resident has failed to make the required payment; or the facility has ceased to operate. Before a discharge or transfer occurs, the facility is required to make a reasonable accommodation to avoid the discharge, and must also appropriately notify the affected individuals.

Under federal law, nursing homes that voluntarily withdraw from the Medicaid program, are prohibited from discharging residents who are residing in the facility the day before the effective date of the withdrawal. The law applies to residents currently receiving Medicaid benefits, as well as those who are residents but not yet dependent on Medicaid.

Boarding homes with Medicaid assisted living contracts are also required to provide reasonable accommodation before discharging or transferring residents. However, there is concern that some boarding homes are voluntarily withdrawing from the state's Medicaid program and in doing so, are discharging Medicaid residents from their facilities.

Summary: A boarding home's voluntary withdrawal from the Medicaid program is not an acceptable basis for the transfer or discharge of persons who have been residing in the boarding home and who were Medicaid eligible on the day before the effective date of the withdrawal. Further protection against discharge includes residents who have been paying privately for two years and become Medicaid eligible within six months of the boarding home's withdrawal from Medicaid. Residents who enter the boarding home after the effective date of the withdrawal from Medicaid must be notified that they may be transferred or discharged if they become eligible for Medicaid. Notification must be oral and in writing and acknowledgment of receipt of this notice is required. A boarding home or adult family home that withdraws from Medicaid must provide the Department of Social and Health Services and the residents 60-days advance notice of its intent to withdraw. Boarding homes participating in the Medicaid program must provide notice that the facility can withdraw from Medicaid at any time. All long-term care facilities must fully disclose in writing to residents and potential residents or their legal representative the facility policy on accepting medicaid as a payment source.

Votes on Final Passage:

Senate	48	1	
House	96	0	(House amended)
Senate	46	2	(Senate concurred)

Effective: March 28, 2008

Partial Veto Summary: Section 2 was removed. This section required all long-term care facilities to disclose their Medicaid policy in writing to prospective residents. Upon admission, the disclosure would have been considered a legally binding contract between the resident and the facility.