

SENATE BILL REPORT

SB 6009

As Reported by Senate Committee On:
Health & Long-Term Care, February 24, 2009

Title: An act relating to the protection of residents of long-term care facilities.

Brief Description: Concerning long-term care facilities.

Sponsors: Senators Keiser, Kastama and Fairley.

Brief History:

Committee Activity: Health & Long-Term Care: 2/23/09, 2/24/09 [DPS, w/oRec].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 6009 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Fairley, Marr and Murray.

Minority Report: That it be referred without recommendation.

Signed by Senators Becker and Parlette.

Staff: Rhoda Donkin (786-7465)

Background: Currently, there are 240 licensed nursing facilities in the state, with an average of 91 beds. Approximately half of all residents, about 10,860 people, have services paid through Medicaid contracts with the state, and the rest pay privately. Under current state law, it is illegal to discriminate against Medicaid recipients including to require new residents to give assurances upon admission that they are not eligible or will ever apply for Medicaid. Further, it is also unlawful to deny admission or readmission because of a resident's status as a Medicaid recipient, or to transfer or discharge a patient because of that person's status as a Medicaid recipient.

Summary of Bill (Recommended Substitute): Nursing facilities must fully disclose to residents, orally and in writing prior to admission, the facility's policy on accepting Medicaid as a payment source. This must be done in a language that the resident or the resident's representative understands. The policy must clearly state the circumstances under which the

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facility provides care to Medicaid eligible residents, and for residents who may later become eligible for Medicaid.

EFFECT OF CHANGES MADE BY HEALTH & LONG-TERM CARE COMMITTEE (Recommended Substitute): Language is deleted stating that the facility policy is a binding contract, and that facility policies cannot be unilaterally changed. Language is deleted referencing transfer and discharge of residents in facilities under 74.39A RCW.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: The elderly need assurances that they will not be kicked out of the facility that has become their home when their finances force them to become Medicaid clients. It is inhumane to have a long-term care system that treats vulnerable elderly this way. Families need to be fully informed, upfront and clear, of the facility's obligation to them. The worst fear residents have is being kicked out.

CON: This is the wrong solution to the problem of managing Medicaid clients. The problem is the rates are too low, and facilities have to be able to manage their businesses. We need flexibility to do this. We are already cost shifting substantially to private pay. This bill creates binding contracts out of facility policy which is a bad idea.

Persons Testifying: PRO: Larry Faulk, former Senator; Hilke Faber, Residential Councils of Washington; Jeff Crollard, LTC Ombudsman; Louise Ryan, Long-term care ombudsman.

CON: Tom Stanley, Arbor village; Robin Dale, Gary Weeks, WHCA; Deb Murphy, Aging Services of Washington.