

---

SENATE BILL 6009

---

State of Washington

61st Legislature

2009 Regular Session

By Senators Keiser, Kastama, and Fairley

Read first time 02/13/09. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to the protection of residents of long-term care  
2 facilities; and adding a new section to chapter 70.129 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.129 RCW  
5 to read as follows:

6 (1) A long-term care facility or nursing facility licensed under  
7 chapter 18.51 RCW must fully disclose to residents the facility's  
8 policy on accepting medicaid as a payment source. The policy shall  
9 clearly state the circumstances under which the facility provides care  
10 for medicaid eligible residents and for residents who may later become  
11 eligible for medicaid. The facility policy provided to the resident is  
12 considered a legally binding contract between the resident and the  
13 facility. The policy cannot be unilaterally changed by the facility  
14 and cannot state that it may vary depending upon future circumstances.  
15 Policies used by nursing facilities must be consistent with RCW  
16 74.42.055.

17 (2) The policy under this section must be provided to residents  
18 orally and in writing prior to admission, in a language that the  
19 resident or the resident's representative understands. The written

1 policy must be in type font no smaller than fourteen point and written  
2 on a page that is separate from other documents. The policy must be  
3 signed and dated by the resident or the resident's representative, if  
4 the resident lacks capacity. The facility must retain a copy of the  
5 disclosure. Current residents must receive a copy of the policy  
6 consistent with this section by the effective date of this act.

7 (3) If a long-term care facility participates in the state medicaid  
8 program for residential care and services under chapter 74.39A RCW,  
9 then a resident at the facility whose care is paid for with medicaid  
10 cannot be transferred or discharged from the facility on the basis of  
11 the resident using medicaid as a payment source.

--- END ---