
HOUSE BILL 2778

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Magendanz, Clibborn, Harris, Senn, Habib, and Morrell

Read first time 02/07/14. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the admission of residents to nursing
2 facilities; and amending RCW 74.42.055.

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

4 **Sec. 1.** RCW 74.42.055 and 2012 c 10 s 69 are each amended to read
5 as follows:

6 (1) The purpose of this section is to prohibit discrimination
7 against medicaid recipients by nursing homes which have contracted with
8 the department to provide skilled or intermediate nursing care services
9 to medicaid recipients.

10 (2) A nursing facility shall readmit a resident, who has been
11 hospitalized or on therapeutic leave, immediately to the first
12 available bed in a semiprivate room if the resident:

13 (a) Requires the services provided by the facility; and

14 (b) Is eligible for medicaid nursing facility services.

15 (3) It shall be unlawful for any nursing home which has a medicaid
16 contract with the department:

17 (a) To require, as a condition of admission, assurance from the
18 patient or any other person that the patient is not eligible for or
19 will not apply for medicaid;

1 (b) To deny or delay admission or readmission of a person to a
2 nursing home because of his or her status as a medicaid recipient;

3 (c) To transfer a patient, except from a private room to another
4 room within the nursing home, because of his or her status as a
5 medicaid recipient;

6 (d) To transfer a patient to another nursing home because of his or
7 her status as a medicaid recipient;

8 (e) To discharge a patient from a nursing home because of his or
9 her status as a medicaid recipient; or

10 (f) To charge any amounts in excess of the medicaid rate from the
11 date of eligibility, except for any supplementation permitted by the
12 department pursuant to RCW 18.51.070.

13 (4) Any nursing home which has a medicaid contract with the
14 department shall maintain one list of names of persons seeking
15 admission to the facility, which is ordered by the date of request for
16 admission. This information shall be retained for one year from the
17 month admission was requested. However, except as provided in
18 subsection (2) of this section, a nursing facility is permitted to give
19 preferential admission to individuals who seek admission from an
20 assisted living facility, licensed under chapter 18.20 RCW, or from
21 independent retirement housing(~~(, provided the nursing facility is
22 owned by the same entity that owns the assisted living facility or
23 independent housing which))~~ if:

24 (a) The individuals have executed continuing care contracts as
25 defined in RCW 70.38.025 to finance the space in which the nursing
26 facility operates;

27 (b) The facilities are located within the same proximate geographic
28 area; and (~~provided further,~~)

29 (c) The purpose of such preferential admission is to allow
30 continued provision of: (~~(a)~~) (i) Culturally or faith-based
31 services, or (~~(b)~~) (ii) services provided by a continuing care
32 retirement community as defined in RCW 70.38.025.

33 (5) The department may assess monetary penalties of a civil nature,
34 not to exceed three thousand dollars for each violation of this
35 section.

36 (6) Because it is a matter of great public importance to protect
37 senior citizens who need medicaid services from discriminatory
38 treatment in obtaining long-term health care, any violation of this

1 section shall be construed for purposes of the application of the
2 consumer protection act, chapter 19.86 RCW, to constitute an unfair or
3 deceptive act or practice or unfair method of competition in the
4 conduct of trade or commerce.

5 (7) It is not an act of discrimination under this chapter to refuse
6 to admit a patient if admitting that patient would prevent the needs of
7 the other patients residing in that facility from being met at that
8 facility, or if the facility's refusal is consistent with subsection
9 (4) of this section.

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