

HOUSE BILL REPORT

HB 2221

As Reported by House Committee On: Appropriations

Title: An act relating to improving responses to high priority violations at long-term care facilities.

Brief Description: Concerning responses to high priority violations at long-term care facilities.

Sponsors: Representatives Hunter, Sullivan and Carlyle.

Brief History:

Committee Activity:

Appropriations: 4/6/15, 4/7/15 [DPS].

Brief Summary of Substitute Bill

- Establishes a Priority Response Unit (PRU) within the Office of the State Long-Term Care (LTC) Ombuds.
- Directs the LTC Ombuds to create procedures for responding to high-priority violations.
- Directs the PRU to notify certain entities when a high-priority violation is identified.
- Requires a LTC facility to participate in the investigation of a high-priority referral.
- Requires the LTC Ombuds to submit a report to the Governor and the Legislature describing the activities of the PRU for five consecutive years, starting December 1, 2017.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Carlyle, Cody, Dunshee, Hansen, Hudgins, S. Hunt, Jenkins, Kagi, Lytton, Pettigrew, Sawyer, Senn, Springer, Sullivan, Tharinger and Walkinshaw.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass. Signed by 14 members: Representatives Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Condotta, Dent, Fagan, Haler, G. Hunt, MacEwen, Magendanz, Stokesbary, Taylor and Van Werven.

Staff: James Kettel (786-7123).

Background:

Under the federal Older Americans Act, every state is required to have an ombuds program that addresses complaints from consumers and promotes improvement within the long-term care (LTC) system. The Administration on Aging provides federal oversight of all state ombuds programs. In Washington, among other activities, the Office of the LTC Ombuds coordinates the activities of volunteers throughout the state, reviews complaints about provider practice, offers information and assistance to consumers, monitors the work of state agencies responsible for the licensing and oversight of facilities, and advocates for improved quality of care for people living in nursing homes, assisted living facilities, and adult family homes.

Summary of Substitute Bill:

A priority response unit (PRU) is established within the Office of the LTC Ombuds. The PRU will investigate high-priority violations within LTC facilities. Long-term care facilities are defined to include Residential Habilitation Centers and any state or private intermediate-care facility for individuals with developmental disabilities. The criteria for a high-priority violation must be established by the Office of the LTC Ombuds and made available to the public on the office's website. Prior to investigating a high-priority violation, the PRU must notify management within the LTC facility, state regulatory agencies, and as warranted, law enforcement, prosecutorial officials, emergency medical services, and public health agencies. A facility must offer the PRU access to records, and must allow the PRU access to locations within the facility, during the course of an investigation. At any point in the investigation, if there appears to be a possibility of immediate harm to the health and safety of residents, then the PRU must notify the appropriate local government agencies. The PRU must share all findings of fact with the Department of Social and Health Services (DSHS) whether or not an investigation indicates that a high-priority violation has occurred.

The Office of the LTC Ombuds, the DSHS, the Department of Health, and representatives of local government agencies must develop a workgroup to ensure the highest level of support for the mission of each organization, with respect to protecting residents within LTC facilities. The Office of the LTC Ombuds must submit a report to the Governor and the Legislature by December 1, 2017, and each year thereafter until December 1, 2022, with information about the impact of the PRU and recommendations for improving the effectiveness of the PRU.

Substitute Bill Compared to Original Bill:

The substitute bill amends the definition of a long-term care facility to clarify that the PRU within the Office of the Long-Term Care Ombuds has the authority to investigate high-priority violations within the Residential Habilitation Centers and any state or private intermediate care facility for individuals with developmental disabilities.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There are a lot of problems within the Residential Habilitation Centers right now. Lakeland Village has been under quite a bit of scrutiny and almost lost its certification. The problems at Lakeland Village were not just paperwork violations. There was actual abuse and harm going on at Lakeland Village. Advocates for people with developmental disabilities need someone who can take a look at problems within the Residential Habilitation Centers and can make sure that legislators are aware of these problems. It is particularly helpful to expand the authority of the LTC Ombuds, because the LTC Ombuds is resident-oriented. This bill increases transparency to consumers and the public, because the LTC Ombuds is directed to publish the criteria for high priority violations on its website.

(In support with concerns) Several language changes are needed to clarify the intent of this bill, and to ensure that the bill does not conflict with federal requirements. An amendment is needed to give the LTC Ombuds authority to go into the Residential Habilitation Centers. Once the bill is amended, the Office of the LTC Ombuds will do what is needed to assist residents and help advocate for their rights.

(Opposed) None.

Persons Testifying: (In support) Diana Stadden, The Arc of Washington State; and Liz Tidyman.

(In support with concerns) Patricia Hunter, State Long-Term Care Ombudsman Program; and Donna Patrick, Developmental Disabilities Council.

Persons Signed In To Testify But Not Testifying: None.