

FINAL BILL REPORT

E2SSB 6515

C 263 L 20
Synopsis as Enacted

Brief Description: Concerning nursing facilities.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Van De Wege, Randall, Mullet, Takko, Lovelett, Liias, Conway, Hasegawa and Wilson, C.).

Senate Committee on Health & Long Term Care
Senate Committee on Ways & Means
House Committee on Rules

Background: Inspections and Surveys. The Department of Social and Health Services (DSHS) is required to conduct at least one unannounced inspection of skilled nursing facilities (SNF) prior to license renewal. The Centers for Medicare and Medicaid Services (CMS) issues regulations outlining the standards for surveying SNFs for compliance with state and federal regulations. CMS requires the surveying state agency to conduct an unannounced standard survey of each SNF no less than 15 months after the previous survey, when necessary after reviewing complaint allegations, and when a SNF is identified as having provided substandard quality of care.

24/7 Registered Nurse Staffing Exception. A large, non-essential SNF has more than 60 licensed beds and is located within a commuting distance radius of less than 40 minutes by automobile from another SNF. Legislation was passed in 2015 requiring large, non-essential SNFs to have a registered nurse on duty directly supervising resident care 24 hours per day, seven days per week. Under current law, SNFs may receive a limited exception if they demonstrate a good faith effort to hire a registered nurse for the last eight hours of required coverage per day. The exception may be granted for one year and may be renewable for up to three consecutive years. When granting an exception, DSHS may consider the wages and benefits offered and the availability of registered nurses in the particular geographic area. DSHS along with a stakeholder work group must conduct a review of the exceptions process to determine if it is still necessary

Long-term services and supports are for individuals who need assistance with daily living tasks such as bathing, dressing, ambulation, transfers, toileting, medication assistance or administration, personal hygiene, transportation, and other health-related tasks. DSHS administers Medicaid funded long-term services and supports to eligible individuals in Washington State. Individuals may receive these services in their home, in an adult day center, in an adult family home, in an assisted living facility, or in a SNF.

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.

There are approximately 200 licensed SNFs in Washington to serve about 9400 Medicaid clients per month. SNFs are licensed by DSHS and provide 24-hour supervised nursing care, personal care, therapies, nutrition management, organized activities, social services, laundry services, and room and board to three or more residents.

Summary: Inspections and Surveys. DSHS is no longer required to conduct an unannounced inspection prior to a SNF's license renewal, and instead is required to conduct unannounced and periodic inspections in compliance with federal regulations.

24/7 Registered Nurse Staffing Exception. In granting an exception to the 24/7 registered nurse staffing requirement, DSHS must consider the competitiveness of the provider's wages and benefits compared to other SNFs in comparable areas of the state, as well as the provider's recruitment and retention efforts. The three consecutive year limit for exception renewals is removed, so exceptions may be renewed beyond every year regardless of exceptions received previously. By August 1, 2023, and every three years thereafter, DSHS and a stakeholder work group must review the enforcement and citation actions taken against providers that received an exception compared to those without an exception. In its review, the group must also compare referrals to the Long-Term Care Ombudsman. A report including the findings of these comparisons, along with a recommendation as to whether the exception process should continue, is due to the Legislature by December 1st each year.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: June 11, 2020