
HOUSE BILL 1784

State of Washington

64th Legislature

2015 Regular Session

By Representatives Tharinger, Cody, Van De Wege, Riccelli, Jinkins, and Moeller

Read first time 01/28/15. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to promoting quality in nursing homes; amending
2 RCW 74.42.360; adding a new section to chapter 74.46 RCW; creating a
3 new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that Washington's
6 nursing facilities provide important long-term care services for tens
7 of thousands of seniors. However, according to recent reports by AARP
8 and the SCAN foundation, Washington state ranks poorly compared to
9 other states in nursing home quality and certified nursing assistant
10 turnover measures. Washington is one of only a few states without
11 minimum certified nursing assistant direct care staffing
12 requirements. These minimum staffing requirements have linked to
13 improved quality care for residents. With the age wave dramatically
14 increasing the number of seniors needing long-term services and
15 supports, it is the intent of the legislature to put in place
16 policies that promote high quality care and reductions in direct care
17 staff turnover in our state's licensed nursing facilities.

18 **Sec. 2.** RCW 74.42.360 and 1979 ex.s. c 211 s 36 are each amended
19 to read as follows:

1 (1) The facility shall have staff on duty twenty-four hours daily
2 sufficient in number and qualifications to carry out the provisions
3 of RCW 74.42.010 through 74.42.570 and the policies,
4 responsibilities, and programs of the facility. Each facility must
5 have at least one registered nurse present and on duty at the
6 facility twenty-four hours daily.

7 (2)(a) By January 1, 2017, each facility must have adequate staff
8 on duty to provide 2.4 hours per resident per day, as adjusted by an
9 acuity factor determined by the department.

10 (b) By January 1, 2018, each facility must have adequate staff on
11 duty to provide 3.3 hours per resident per day, as adjusted by an
12 acuity factor determined by the department.

13 (c) By January 1, 2019, each facility must have adequate staff on
14 duty to provide 3.6 hours per resident per day, as adjusted by an
15 acuity factor determined by the department. At least 1.1 hours per
16 resident per day must be provided by licensed staff.

17 (3) The department shall require facilities to submit monthly
18 reports to the department that include the number of staff according
19 to eight hour work shifts, for three shifts per day. The department
20 shall develop an automated system for collecting information,
21 including payroll records for relevant pay periods. The department
22 shall also adopt procedures to assure consistency in reporting
23 standards.

24 (4) In accordance with the department's authority under RCW
25 18.51.065:

26 (a) If the department determines that a facility has failed to
27 comply with the standards established under subsection (2) of this
28 section, the department may cite the facility for deficiencies and
29 assess a penalty of up to ten thousand dollars for each month that
30 the facility failed to comply, including five percent interest;

31 (b) If the department determines that a facility has failed to
32 comply with the standards established under subsection (2) of this
33 section for more than twenty percent of the shifts in a month, the
34 department may cite the facility for deficiencies, assess a penalty
35 of up to fifteen thousand dollars for each month that the facility
36 failed to comply, including five percent interest, and place
37 restrictions on the admission of new residents.

38 (5) When conducting an investigation under subsection (4) of this
39 section, if the department determines that any residents or employees
40 experienced negative outcomes that were caused by the failure to

1 comply with the standards established under subsection (2) of this
2 section, the department may cite the facility for deficiencies and
3 assess a penalty of up to twenty thousand dollars, including five
4 percent interest, per event. These penalties are in addition to any
5 penalties assessed under subsection (4) of this section.

6 (6) The department shall assess cost report data for quality
7 indicators in facilities with low staffing levels. The quality
8 indicators shall include: Prevalence of falls, prevalence of stage
9 one through four pressure ulcers, high rates of antipsychotic use in
10 the absence of psychotic and related conditions, medication error
11 rates of five percent or higher, incidence of decline in late loss of
12 activities of daily living, direct care staff injuries while handling
13 patients, and staff turnover rates above forty percent annually.

14 NEW SECTION. Sec. 3. A new section is added to chapter 74.46
15 RCW to read as follows:

16 (1) The department shall develop a payment methodology to
17 incorporate outcome-based measures into nursing home rates. The
18 payment methodology must designate up to ten percent of the rate paid
19 to nursing homes to be based upon achieving quality indicators, such
20 as reducing bed sores, reducing resident falls, reducing medication
21 errors, reducing worker injuries, reducing worker turnover,
22 increasing resident and family satisfaction, and other measures
23 identified by the stakeholder group established in subsection (2) of
24 this section.

25 (2) When determining the quality indicators, the department shall
26 consult advice regarding appropriate standards from stakeholders
27 including advocates for residents, workers, and care providers.

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