
HOUSE BILL 2221

State of Washington 64th Legislature 2015 Regular Session

By Representatives Hunter, Sullivan, and Carlyle

Read first time 03/30/15. Referred to Committee on Appropriations.

1 AN ACT Relating to improving responses to high priority
2 violations at long-term care facilities; amending RCW 43.190.070; and
3 adding a new section to chapter 43.190 RCW.

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

5 **Sec. 1.** RCW 43.190.070 and 2013 c 23 s 94 are each amended to
6 read as follows:

7 (1)(a) The office of the state long-term care ombuds shall
8 develop referral procedures for all long-term care ombuds programs to
9 refer any complaint to any appropriate state or local government
10 agency. The department of social and health services shall act as
11 quickly as possible on any complaint referred to them by a long-term
12 care ombuds.

13 (b) The referral procedures must identify high priority
14 violations that require activation of the priority response unit
15 established in section 2 of this act. In identifying high priority
16 violations, the office shall consider the nature and severity of the
17 violation, the vulnerability of the patient or patients affected by
18 the violation, the anticipated response time of state or local
19 government agencies, prior violations by the long-term care facility,
20 and the likelihood of continued harm to residents without an
21 immediate intervention. The office shall adopt procedures to identify

1 which complaints relate to high priority violations by long-term care
2 facilities. The office shall regularly revise the list of activities
3 that are considered high priority violations. The list and all
4 policies and procedures established under section 2 of this act must
5 be made available on the office's web site.

6 (2) The department of social and health services shall respond to
7 any complaint against a long-term care facility which was referred to
8 it by a long-term care ombuds and shall forward to that ombuds a
9 summary of the results of the investigation and action proposed or
10 taken.

11 NEW SECTION. Sec. 2. A new section is added to chapter 43.190
12 RCW to read as follows:

13 (1) The office of the state long-term care ombuds shall establish
14 the priority response unit. Upon receipt of a complaint from a long-
15 term care ombuds that alleges that conduct by a long-term care
16 facility constitutes a high priority violation, the office shall
17 immediately evaluate the case to determine whether or not the conduct
18 meets threshold standards for activating the priority response unit.

19 (2) Upon activation, the priority response unit shall notify the
20 department of social and health services and, as warranted, local
21 government agencies, such as law enforcement, prosecutorial
22 officials, emergency medical services, and public health agencies,
23 that it has identified a high priority violation. The fact that the
24 priority response unit has been activated must not result in delayed
25 responses by other agencies. If an agency decides to respond to a
26 high priority violation simultaneously with the priority response
27 unit, it shall notify the priority response unit and coordinate
28 efforts and resources to the greatest extent possible.

29 (3) Upon activation, a member of the priority response unit shall
30 immediately notify the management of the long-term care facility that
31 a high priority violation has been alleged against the long-term care
32 facility and the nature of the alleged violation. The priority
33 response unit must be at the long-term care facility that is the
34 subject of the complaint alleging a high priority violation within
35 twenty-four hours of activation.

36 (4)(a) If, at any time during the investigation or upon
37 conclusion of the investigation, a member of the priority response
38 unit finds that there is sufficient evidence that conditions at the
39 long-term care facility pose a significant likelihood of immediate

1 harm to the health and safety of the residents, the priority response
2 team shall notify local government agencies as it finds necessary to
3 protect residents.

4 (b) If, upon conclusion of the investigation, a member of the
5 priority response unit finds that a high priority violation has
6 occurred, the priority response unit shall notify the department of
7 social and health services of its conclusions. The priority response
8 unit shall disclose its findings of fact and all investigation
9 records.

10 (c) If, upon conclusion of the investigation, a member of the
11 priority response unit finds that a high priority violation has not
12 occurred, the priority response unit shall notify the department of
13 social and health services of its conclusions. The priority response
14 unit shall disclose its findings of fact and all investigation
15 records and the department of social and health services may elect to
16 conduct an independent investigation if it feels that it is
17 warranted.

18 (5)(a) Members of the priority response unit shall have authority
19 to inspect any location on the property of the long-term care
20 facility and any records, whether electronic or not, including
21 administrative records, staff credentials, and records related to
22 residential care. Members of the priority response unit may issue
23 subpoenas and administer oaths in connection with any investigation
24 of a high priority violation. The office of the state long-term care
25 ombuds must develop policies and procedures to assure the due process
26 protections of the long-term care facility are met while maintaining
27 the necessary access to information needed by the priority response
28 unit during an investigation.

29 (b) Information obtained by the priority response unit in the
30 course of conducting its investigation is subject to public
31 disclosure, except that any information that may reasonably result in
32 the identification of an individual resident must be redacted.

33 (6) The office of the state long-term care ombuds, the department
34 of social and health services, the department of health,
35 representatives of local law enforcement officials, and
36 representatives of local public health agencies shall develop a work
37 group that shall adopt communication and coordination procedures to
38 assure the highest level of support for each organization's mission
39 with respect to protecting residents of long-term care facilities.

1 (7) Upon the conclusion of each investigation of an alleged high
2 priority violation, the priority response unit and each state or
3 local government agency that responds to the case shall report a
4 summary of its response, its findings, and any recommendations for
5 improving coordination between the priority response unit and the
6 agency to the office of the state long-term care ombuds. The office
7 of the state long-term care ombuds shall report to the governor and
8 the legislature by December 1, 2017, and each year thereafter until
9 December 1, 2022, with the information about the work of the priority
10 response unit, including the types of high priority violations that
11 it has investigated, the results of those investigations, the results
12 of any investigations by state or local agencies, and recommendations
13 for improving the work of the priority response unit and its
14 coordination with other entities.

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