

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1315

Chapter 228, Laws of 2011

62nd Legislature
2011 Regular Session

NURSING HOMES--EMPLOYMENT

EFFECTIVE DATE: 07/22/11

Passed by the House April 13, 2011
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 7, 2011
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved May 3, 2011, 2:21 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1315** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 4, 2011

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1315

AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Kelley, Schmick, Cody, Hinkle, Van De Wege, Miloscia, Jinkins, Seaquist, Angel, and Harris)

READ FIRST TIME 02/16/11.

1 AN ACT Relating to employment of physicians by nursing homes;
2 reenacting and amending RCW 74.42.010; adding a new section to chapter
3 18.51 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.51 RCW
6 to read as follows:

7 (1) A nursing home licensed under this chapter may employ
8 physicians for the provision of professional services to its residents
9 under the following conditions:

10 (a) The nursing home may not in any manner, directly or indirectly,
11 supplant, diminish, or regulate any employed physician's judgment
12 concerning the practice of medicine or the diagnosis and treatment of
13 any patient; and

14 (b) The employed physicians may provide professional services only
15 to residents of the nursing home or a related living facility.

16 (2) The employment of physicians as authorized by this section may
17 be through the following entities:

18 (a) The entity licensed to operate the nursing home; or

1 (b) A separate entity authorized to conduct business in the state
2 of Washington that has common or overlapping ownership as an affiliate
3 or subsidiary of the licensee, as long as the licensee complies with
4 subsection (3) of this section.

5 (3) Nothing in this section relieves the licensee of its ultimate
6 responsibility for the daily operations of the nursing home.

7 (4) Nothing in this section may be construed to interfere with the
8 federal resident rights requirements found in 42 C.F.R. 483.10, or
9 successor rules, or found in this chapter, chapter 74.42 RCW, or the
10 rules adopted by the department addressing resident's rights under this
11 chapter or chapter 74.42 RCW.

12 (5) As used in this section, "related living facility" means (a) a
13 separate nursing home that is owned, controlled, or managed by the same
14 or an affiliated or subsidiary entity; or (b) a facility that (i)
15 provides independent living services or boarding home services under
16 chapter 18.20 RCW, in a single contiguous campus as the nursing home,
17 and (ii) is owned, controlled, or managed by the same or related entity
18 as the nursing home. For purposes of this subsection "contiguous"
19 means land adjoining or touching property on which the nursing home is
20 located, including land divided by a public road.

21 **Sec. 2.** RCW 74.42.010 and 2010 c 94 s 27 are each reenacted and
22 amended to read as follows:

23 Unless the context clearly requires otherwise, the definitions in
24 this section apply throughout this chapter.

25 (1) "Department" means the department of social and health services
26 and the department's employees.

27 (2) "Facility" refers to a nursing home as defined in RCW
28 18.51.010.

29 (3) "Licensed practical nurse" means a person licensed to practice
30 practical nursing under chapter 18.79 RCW.

31 (4) "Medicaid" means Title XIX of the Social Security Act enacted
32 by the social security amendments of 1965 (42 U.S.C. Sec. 1396; 79
33 Stat. 343), as amended.

34 (5) "Nurse practitioner" means a person licensed to practice
35 advanced registered nursing under chapter 18.79 RCW.

36 (6) "Nursing care" means that care provided by a registered nurse,

1 an advanced registered nurse practitioner, a licensed practical nurse,
2 or a nursing assistant in the regular performance of their duties.

3 (7) "Physician" means a person practicing pursuant to chapter 18.57
4 or 18.71 RCW, including, but not limited to, a physician employed by
5 the facility as provided in chapter 18.51 RCW.

6 (8) "Physician assistant" means a person practicing pursuant to
7 chapter((s)) 18.57A ((and)) or 18.71A RCW.

8 ((+8)) (9) "Qualified therapist" means:

9 (a) An activities specialist who has specialized education,
10 training, or experience specified by the department.

11 (b) An audiologist who is eligible for a certificate of clinical
12 competence in audiology or who has the equivalent education and
13 clinical experience.

14 (c) A mental health professional as defined in chapter 71.05 RCW.

15 (d) An intellectual disabilities professional who is a qualified
16 therapist or a therapist approved by the department and has specialized
17 training or one year experience in treating or working with persons
18 with intellectual or developmental disabilities.

19 (e) An occupational therapist who is a graduate of a program in
20 occupational therapy or who has equivalent education or training.

21 (f) A physical therapist as defined in chapter 18.74 RCW.

22 (g) A social worker who is a graduate of a school of social work.

23 (h) A speech pathologist who is eligible for a certificate of
24 clinical competence in speech pathology or who has equivalent education
25 and clinical experience.

26 ((+9)) (10) "Registered nurse" means a person licensed to practice
27 registered nursing under chapter 18.79 RCW.

28 ((+10)) (11) "Resident" means an individual residing in a nursing
29 home, as defined in RCW 18.51.010.

30 NEW SECTION. Sec. 3. The department of social and health services
31 shall monitor nursing homes who hire physicians on staff and report to
32 the legislature by January 1, 2013. The report shall include
33 information on consumer satisfaction and medical cost implications of
34 including physicians on staff in nursing facilities.

Passed by the House April 13, 2011.

Passed by the Senate April 7, 2011.

Approved by the Governor May 3, 2011.

Filed in Office of Secretary of State May 4, 2011.