

# SENATE BILL REPORT

## SHB 1606

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As Reported By Senate Committee On:  
Health & Long-Term Care, March 30, 2005

**Title:** An act relating to fairness in the informal dispute resolution process.

**Brief Description:** Providing for fairness in the informal dispute resolution process.

**Sponsors:** House Committee on Health Care (originally sponsored by Representatives Green, Skinner, Cody, Bailey, Clibborn, Williams, Morrell and Schual-Berke).

**Brief History:** Passed House: 3/09/05, 96-0.

**Committee Activity:** Health & Long-Term Care: 3/28/05, 3/30/05 [DPA].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** Do pass as amended.

Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Ranking Minority Member; Brandland, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen.

**Staff:** Sharon Swanson (786-7447)

**Background:** A boarding home provider has the right to review and reconsideration of a Department of Social and Health Services (DSHS) finding of regulatory non-compliance through an Informal Dispute Resolution (IDR) process. The IDR process allows the provider an opportunity to share information with a DSHS staff person who was not involved in the citation process itself. If the DSHS determines that a violation should have been cited, the DSHS adds the citation or enforcement remedy to an existing citation report, usually within 10 days of completing an inspection.

Currently, nursing home providers can utilize a federally mandated IDR process provided under Title 42 CFR 488.331. States are not required to create any new or additional processes if their existing process meets the requirements set out in the State Operations Manual. The IDR established by the state is required to be in writing and available for review upon request.

**Summary of Amended Bill:** If the DSHS determines that a violation should have been cited under a different more appropriate regulation, the DSHS must revise the report, statement of deficiencies, or enforcement remedy accordingly.

Nursing home providers have the right to an informal review; to present written evidence to refute the findings or deficiencies cited, during a licensing or certification survey, or a complaint investigation.

The request for informal dispute resolution will not delay the effective date of any enforcement remedy imposed by the DSHS. Civil monetary fines are not payable until exhaustion of hearings and appeal rights.

When the DSHS conducts an informal dispute resolution process with a nursing home provider or its designee, the DSHS must provide an opportunity for input from residents or resident representatives.

**Amended Bill Compared to Original Bill:** Allows the participation of residents in the informal dispute resolution process.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This is agency request legislation. The resident input language was not included in the House bill but there is not necessarily opposition to including the language in an amendment.

**Testimony Against:** None.

**Who Testified:** PRO: Representative Green, prime sponsor.