

HB 1859 - Protecting the Rights of Residents

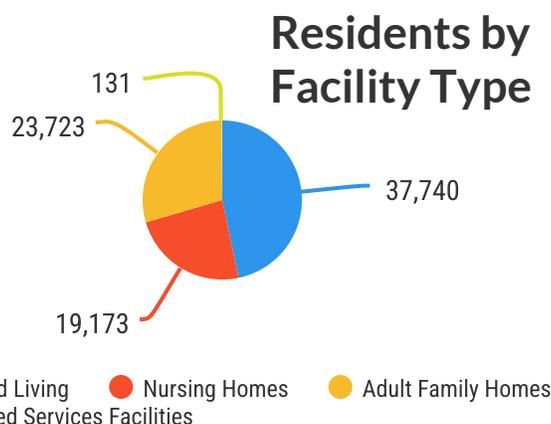
HB 1859 - Fulfills the Promise of Equality Already Established in State Law Thirty Years Ago - Washington state lawmakers extended the robust rights that nursing home residents receive under federal law to all Washington long-term care residents. But formal regulations to support those rights were never created.

RCW 70.129 - The legislature finds that the public interest would be best served by providing the same basic resident rights in all long-term care settings. Residents in nursing facilities are guaranteed certain rights by federal law and regulation, 42 U.S.C. 1396r and 42 C.F.R. part 483. It is the intent of the legislature to extend those basic rights to residents in veterans' homes, assisted living facilities, enhanced services facilities, and adult family homes.

Inequities have developed within the long-term care system and residents currently have different rights across all settings which leads to confusion and trauma for residents, providers, and regulators, and not in keeping with the intent of the legislature.

HB 1859 is needed to Ensure Equity for all residents in licensed long-term care

All residents of long-term care should be treated equally, and have the same protections. Providing explicit rights for some, but not for all is confusing and contrary to the values of our state.



HB 1859 Creates a Clear Legal Process to Appeal Discharge for all Resident

All Residents in long term care should have a clearly defined and understandable process to appeal if they are evicted from their home. As it stands now, there is no clearly defined process for residents in assisted living, adult family homes, or enhanced services facilities, making it extremely difficult to contest an unlawful eviction. All Washingtonians should be afforded access to due process before losing their home.

- *When residents are unlawfully discharged they end up in less humane, inadequate or more expensive systems of care or housing, such as hospitals and homeless shelters.*
- *Extremely vulnerable residents, including individuals with dementia and behavioral health needs are more likely to be evicted from long term care.*

Resident Rights are Human Rights

Explicit Resident Rights are needed to guarantee residents access to their basic human rights, such as the right to choose their own doctor, the right to have visitors of their choosing, and the right to protection of their property. Pro-active codification of these rights is necessary for residents, regulators, and providers.

HB1859 is needed to ensure all residents of long term care are treated equitably, and have the same rights and protections.

All residents of long-term care facilities are entitled to a safe, clean, comfortable, and homelike environment

Inequities have developed within the long-term care system and residents currently have different rights across all settings which leads to confusion and trauma for residents, providers, and regulators. HB1859 is needed to fulfill the promise that all residents of long term care are treated equitably, and have the same rights and protections.

Examples of Federal Rights for Residents of Nursing Homes but not Not Residents in Assisted Living, Adult Family Homes and Enhanced Services Facilities

Right to Protection Against Unlawful Discharge or Eviction

All Residents should have the right to protection against unlawful discharge or eviction. Residents of nursing homes have the right to appeal their discharges to ensure that their evictions are for lawful reasons, with mandatory notice to residents and their decision makers.

Right to Choose Your Own Attending Physician

All Residents should have the right to choose their own attending physician. Residents of nursing homes have the right to choose their own attending physician, ensuring access to culturally appropriate care.

Right to Visitors

Federal Resident Rights for nursing home residents clearly state that visitors will not be denied or limit visitation based on the basis of race, color, national origin, religion, sex, gender identity, sexual orientation or disability. For clarity and equity, Residents Rights in other licensed long-term care settings must state the same.

Right to Accessible Notices, Orally and in Writing

All Residents should have the right to be informed in a manner that is accessible to them, including notice of their legal rights and other notices from the facility. Nursing homes are required to offer all notices in writing and orally, residents in other licensed settings should have the same.

Right to Reasonable Protection of Personal Property from from Loss and Theft

All long-term care residents should feel their personal belongings are reasonably secure in their homes. Nursing homes are required to ensure within reason the protection of their personal property from loss or theft, residents in other licensed settings should also have protection.

Right to a Formal Grievance Process

All Residents should have the right to grievance process with their facility. Nursing homes are required to have a formal process with expectations and timelines so residents have confidence their concerns are reviewed and responded to by management.