

(23) Section 1, chapter 231, Laws of 1969 ex. sess. and RCW 70.54.110;

(24) Section 6, chapter 177, Laws of 1959 and RCW 70.58.350;

(25) Section 5, chapter 82, Laws of 1967 and RCW 70.83.050; and

(26) Section 1, chapter 176, Laws of 1913, section 12, chapter 130, Laws of 1917, section 1, chapter 160, Laws of 1921, section 1, chapter 46, Laws of 1923, section 1, chapter 79, Laws of 1925 ex. sess., section 1, chapter 240, Laws of 1927 and RCW 85.08.020.

NEW SECTION. Sec. 18. Sections 16 and 17 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 23, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983, with the exceptions of portions of sections 2 and 5, which are vetoed.

Filed in Office of Secretary of State May 17, 1983.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to portions of sections 2 and 5, Senate Bill No. 4204, entitled:

"AN ACT Relating to the state board of health."

The proviso in Section 2 (11) could be interpreted as a prohibition against the creation of new health care facilities with annual operating budgets over \$500,000, regardless of the need for such facilities as determined by the certificate-of-need program. Such a prohibition would ignore the purpose of the certificate-of-need program.

Section 5 would require the Board of Health to perform the current functions of the State Health Coordinating Council. If the State Health Coordinating Council's functions are assumed by the Board of Health, Federal regulations will be violated, and Federal funds may be jeopardized. The Federal government requires that Council functions be performed by a body having majority representation of consumers, which the Board would not have.

With the exceptions noted above, which I have vetoed, Senate Bill No. 4204 is approved."

## CHAPTER 236

[Engrossed Substitute Senate Bill No. 3757]

### NURSING HOMES—COMMUNITY-BASED CARE

AN ACT Relating to nursing homes; amending section 2, chapter 117, Laws of 1951 as last amended by section 15, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.010; amending section 63, chapter 211, Laws of 1979 ex. sess. as amended by section 3, chapter 11, Laws of 1981 2nd ex. sess. and RCW 18.51.091; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 2, chapter 117, Laws of 1951 as last amended by section 15, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.010 are each amended to read as follows:

(1) "Nursing home" means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons. It may also include community-based care. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operated to give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this chapter: PROVIDED, That any nursing home providing psychiatric treatment shall, with respect to patients receiving such treatment, comply with the provisions of RCW 71.12-.560 and 71.12.570.

(2) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(3) "Secretary" means the secretary of the department of social and health services.

(4) "Department" means the state department of social and health services.

(5) "Community-based care" means but is not limited to the following:

(a) Home delivered nursing services;

(b) Personal care;

(c) Day care;

(d) Nutritional services, both in-home and in a communal dining setting;

(e) Habilitation care; and

(f) Respite care.

Sec. 2. Section 63, chapter 211, Laws of 1979 ex. sess. as amended by section 3, chapter 11, Laws of 1981 2nd ex. sess. and RCW 18.51.091 are each amended to read as follows:

The department shall make or cause to be made at least one inspection of each nursing home prior to license renewal and shall inspect community-based services as part of the licensing renewal survey. Every inspection may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary and the stores and methods of supply. Those nursing homes that provide community-based care shall establish and maintain separate and distinct accounting and other essential records for the purpose of appropriately allocating costs of the providing of such care: PROVIDED, That such costs shall not be considered allowable costs for reimbursement purposes under chapter 74.46 RCW. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given the applicant or licensee and the department. The notice shall describe the reasons for the facility's noncompliance. The notice shall inform the facility that it must comply with a plan of correction within a specified time, not to exceed sixty days from the date the plan of correction is approved by the department. The penalties in RCW 18.51.060 may be imposed if, after the specified period, the department determines that the facility has not complied. In life-threatening situations or situations which substantially limit the provider's capacity to render adequate care, the department may require immediate correction or proceed immediately under RCW 18.51.060. The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

NEW SECTION. Sec. 3. Nothing in this 1983 act affects the provisions of chapter 70.38 RCW.

Passed the Senate March 22, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.