

# Executive Summary: Health Impact Review of HB 1859

## Concerning the rights of residents in long-term care facilities (2023 Legislative Session)

Evidence indicates that HB 1859 may consolidate state law on resident rights for residents of all long-term care facilities in Washington State. The impacts of how consolidating state law on long-term care resident rights may change resident rights is unclear.

HB 1859 may also lead to DSHS conducting rulemaking related to discharge appeal rights for residents of all long-term care facilities in Washington State, which may create discharge notice and appeal rights for residents of adult family homes, assisted living facilities, and enhanced services facilities, which may lead to some residents as well as facility owners and staff and administrative law judges becoming aware of the discharge notice and appeal process, which may lead to some residents using the discharge appeal process, which would likely improve health outcomes for some residents and decrease inequities by facility type. There is unclear evidence how provisions may impact equity by resident.

### BILL INFORMATION

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**Sponsors:** Simmons, Harris, Ryu

#### Summary of Bill:

- Extends federal rights for residents of nursing facilities ([42 USC 1396r](#)) and Medicare and Medicaid long-term care facilities ([42 CFR Part 483](#)) (as those rights exist on the bill's effective date) to residents of adult family homes, assisted living facilities, enhanced services facilities, and Veterans' homes in Washington State.
- Requires the Washington State Departments of Social and Health Services (DSHS) and Veterans' Affairs (DVA) to adopt rules, policies, and standards to further the intent and purposes of [Chapter 70.129 RCW](#) for all long-term care facilities and operators of long-term care facilities.
- Establishes that long-term care residents are vulnerable adults ([RCW 74.34.020](#)).
- Adds nursing homes ([Chapter 18.51 RCW](#)) to the definition of long-term care facility.

### HEALTH IMPACT REVIEW

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#### Summary of Findings:

This Health Impact Review found the following evidence for provisions in HB 1859:

#### *Pathway 1: Consolidating state law on long-term care resident rights*

- **Informed assumption** that extending federal rights for residents of nursing facilities and Medicare and Medicaid long-term care facilities to residents of adult family homes, assisted living facilities, enhanced services facilities, and Veterans' homes in Washington State and requiring DSHS and DVA to adopt rules related to resident rights may consolidate state law on resident rights for residents of all long-term care facilities in Washington State. This assumption is based on bill language and information from key informants.
- **Unclear evidence** how consolidating Washington State law on long-term care resident rights may change resident rights.

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WASHINGTON STATE  
**BOARD OF HEALTH**

**HEALTH EQUITY**  
Governor's Interagency Council  
on Health Disparities

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### *Pathway 2: Discharge notice and appeal rights for long-term care residents*

- **Informed assumption** that extending federal rights for residents of nursing facilities and Medicare and Medicaid long-term care facilities to residents of adult family homes, assisted living facilities, enhanced services facilities, and Veterans' homes in Washington State and requiring DSHS and DVA to adopt rules may lead to DSHS conducting rulemaking related to discharge notice and appeal rights for residents of all long-term care facilities in Washington State. This assumption is based on bill language and information from staff of DSHS and DVA.
- **Informed assumption** that DSHS conducting rulemaking related to discharge notice and appeal rights for residents of all long-term care facilities in Washington State may create discharge notice and appeal rights for residents of adult family homes, assisted living facilities, and enhanced services facilities in Washington State. This assumption is based on bill language and information from key informants.
- **Informed assumption** that creating discharge notice and appeal rights for residents of adult family homes, assisted living facilities, and enhanced services facilities in Washington State may lead to some residents of adult family homes, assisted living facilities, and enhanced services facilities as well as facility owners and staff and administrative law judges becoming aware of the discharge notice and appeal process. This assumption is based on information from key informants.
- **Strong evidence** that residents and owners of adult family homes, assisted living facilities, and enhanced services facilities becoming aware of the discharge notice and appeal process would likely improve health outcomes for some residents of adult family homes, assisted living facilities, and enhanced services facilities in Washington State.
- **Informed assumption** that residents and owners of adult family homes, assisted living facilities, and enhanced services facilities becoming aware of the discharge notice and appeal process may lead to some residents of adult family homes, assisted living facilities, and enhanced services facilities in Washington State using the discharge appeal process. This assumption is based on bill language, information from key informants, and evidence from California.
- **A fair amount of evidence** that residents of adult family homes, assisted living facilities, and enhanced services facilities using the discharge appeal process would likely improve health outcomes for some residents of adult family homes, assisted living facilities, and enhanced services facilities in Washington State.
- **A fair amount of evidence** that improved health outcomes for some residents of adult family homes, assisted living facilities, enhanced services facilities in Washington State will likely improve equity by facility type.
- **Unclear evidence** how HB 1859 may impact equity by resident.

### FULL REVIEW

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For review methods, logic model, strength-of-evidence analyses, and citations of empirical evidence refer to the full Health Impact Review at

<https://www.sboh.wa.gov/sites/default/files/2024-01/HIR-2024-05-HB%201859.pdf>

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