

## SHB 1218 Rule Recommendations – Communications

As of September 21, 2022

### **Responsiveness to incoming communications**

Sec. 4. A new section is added to chapter 18.20 RCW to read as follows:

- (1) Each assisted living facility shall be responsive to incoming communications and respond within a reasonable time to phone and electronic messages.

Sec. 9. A new section is added to chapter 18.51 RCW to read as follows:

- (1) Each nursing home must be responsive to incoming communications and respond within a reasonable time to phone and electronic messages.

Sec. 15. A new section is added to chapter 70.97 RCW to read as follows:

- (1) Each enhanced services facility must be responsive to incoming communications and respond within a reasonable time to phone and electronic messages.

### **Recommendations:**

Rule language should provide flexibility to allow designee off site to respond to phone and electronic messages

ALF:

- Create a new section to address communications during emergencies if it does not cleanly fit within existing Communications Systems Section (388-78A-2930).

NH:

- Create a new communications system section to address communications during emergencies and include bill language in this section.

ESF:

- Create a new communications system section to address communications during emergencies and include bill language in this section.

### **Communications Systems**

Sec 4.

- (2) Each assisted living facility must have a communication system, including a sufficient quantity of working telephones and other communication equipment, to ensure that residents have 24-hour access to communications with family, medical providers, and others, and also to allow for emergency contact to and from facility staff.

Sec. 9.

- (2) Each nursing home must have a communication system, including a sufficient quantity of working telephones and other communication equipment to ensure that residents have 24-hour access to communications with family, medical providers, and others, and also to allow for emergency contact to and from facility staff.

Sec. 15.

- (2) Each enhanced services facility must have a communication system, including a sufficient quantity of working telephones and other communication equipment to assure that residents have 24-hour access to communications with family, medical providers, and others, and also to allow for emergency contact to and from facility staff.

**Recommendations:**

Repeating language in 1218 may make most sense

ALF:

- Incorporate into communications system section in 388-78A-2930 adding requirements to the communication:
  - "including a sufficient quantity of working telephones and other communication equipment, to ensure that residents have 24-hour access to communications with family, medical providers, and others, and also to allow for emergency contact to and from facility staff."
  - Provider describe in plans, policies, and/or procedures how the communication system described above allows for emergency contact to and from facility staff

NH:

- Create a new communication system section (if not already met through CFR requirements) that includes requirements for:
  - "a sufficient quantity of working telephones and other communication equipment, to ensure that residents have 24-hour access to communications with family, medical providers, and others, and also to allow for emergency contact to and from facility staff."
  - Provider describe in plans, policies, and/or procedures how the communication system described above allows for emergency contact to and from facility staff

ESF:

- Create a new communication system section that includes requirements for
  - "a sufficient quantity of working telephones and other communication equipment, to ensure that residents have 24-hour access to communications

with family, medical providers, and others, and also to allow for emergency contact to and from facility staff."

- Provider describe in plans, policies, and/or procedures how the communication system described above allows for emergency contact to and from facility staff

### **Resident Rights**

Sec. 25. RCW 70.129.080 and 1994 c 214 s 9 are each amended to read as follows:

The resident has the right to privacy in communications, including the right to:

- (1) Send and promptly receive mail that is unopened;
- (2) Have access to stationery, postage, and writing implements at the resident's own expense; and
- (3) Have reasonable access within a reasonable time to the use of a telephone and other communication equipment where calls can be made without being overheard.

Comments:

- Internet, to the extent available to the facility
- For the ability to make phone calls on other devices over internet. Can keep language close to statute

### **Recommendations:**

AFH: Update Resident's Rights in WAC 388-76-10600 to include the language of reasonable time and other equipment from the bill.

ALF: Update Communication System section in WAC 388-78A-2930 to include the language of reasonable time and other equipment from the bill.

NH: Update Telephone section WAC 388-97-0540 to include the language of reasonable time and other equipment from the bill.

ESF: Update Telephone section WAC 388-107-1010 to include the language of reasonable time and other equipment from the bill.

## **Communications in disaster plans**

Sec. 5. A new section is added to chapter 18.20 RCW to read as follows:

(2) The department shall adopt rules governing the comprehensive disaster preparedness plan. At a minimum, the rules must address:

- Timely communication with the residents' emergency contacts;
- timely communication with state and local agencies, long-term care ombuds, and developmental disabilities ombuds;
- contacting and requesting emergency assistance;

Sec. 11. A new section is added to chapter 18.51 RCW to read as follows:

(2) The department shall adopt rules governing the comprehensive disaster preparedness plan. At a minimum, the rules must address the following if not already adequately addressed by federal requirements for emergency planning:

- Timely communication with the residents' emergency contacts;
- timely communication with state and local agencies, long-term care ombuds, and developmental disabilities ombuds;
- contacting and requesting emergency assistance;

Sec. 16. A new section is added to chapter 70.97 16RCW to read as follows:

(2) The department shall adopt rules governing the comprehensive disaster preparedness plan. At a minimum, the rules must address:

- Timely communication with the residents' emergency contacts;
- timely communication with state and local agencies, long-term care ombuds, and developmental disabilities ombuds;
- contacting and requesting emergency assistance;

## **Recommendations**

ALF:

- Add requirements under communication plan in 388-78A-2700 that ALF providers describe in communications plans, policies, and/or procedures:
  - The means or process for how they will communicate with residents' emergency contacts during emergency within a reasonable time.
  - The means or process for how they will communicate with state and local agencies during emergency within a reasonable time.
  - The means or process for how they will communicate with LTC ombuds during emergency within a reasonable time.

- The means or process for how they will communicate with DD ombuds during emergency within a reasonable time.
- The means or process for how they will contact and request emergency assistance from and how they will contact them within a reasonable time.

NH:

- Add subsection for communication plan in 388-97-1740 that NH providers describe (if not already met through CFR requirements) in plans, policies, and/or procedures:
  - The means or process for how they will communicate with residents' emergency contacts during emergency within a reasonable time.
  - The means or process for how they will communicate with state and local agencies during emergency within a reasonable time.
    - 42 CFR 483.73(c)(2)(iv)
  - The means or process for how they will communicate with LTC ombuds during emergency within a reasonable time.
    - 42 CFR 483.73(c)(2) mentions LTC ombuds
  - The means or process for how they will communicate with DD ombuds during emergency within a reasonable time.
  - The means or process for how they will contact and request emergency assistance from and how they will contact them within a reasonable time.
    - 42 CFR 483.73(c)(2)

ESF:

- Add requirement for communication plan in 388-107-1600 and that ESF providers describe in communications plan, policies, and/or procedures:
  - The means or process for how they will communicate with residents' emergency contacts during emergency within a reasonable time.
  - The means or process for how they will communicate with state and local agencies during emergency within a reasonable time.
  - The means or process for how they will communicate with LTC ombuds during emergency within a reasonable time.
  - The means or process for how they will communicate with DD ombuds during emergency within a reasonable time.
  - The means or process for how they will contact and request emergency assistance from and how they will contact them within a reasonable time.