

STAFF MEASURE SUMMARY

Senate Committee On Human Services and Early Childhood

**Fiscal:** Fiscal impact issued

**Revenue:** No Revenue Impact

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**Action Date:** 04/21/15

**Action:** Do Pass With Amendments. (Printed A-Eng.)

**Meeting Dates:** 02/17, 03/31, 04/21

**Vote:**

Yeas: 5 - Dembrow, Gelser, Kruse, Monnes Anderson, Olsen

**Prepared By:** Cheyenne Ross, Committee Administrator

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**WHAT THE MEASURE DOES:**

Requires Department of Human Services (DHS) establish procedure for residents of continuing care retirement communities to request gender of individual assigned to assist with activities of daily living. Requires facility honor request except in case of significant difficulty or cost. Requires written explanation and documentation of rationale for denial. Requires DHS establish complaint procedure for failures to comply. Requires DHS investigate each complaint and provide written report to resident and facility within seven days of completion.

**ISSUES DISCUSSED:**

- Purpose and role of DHS licensing division
- Importance of gender-appropriate, intimate care
- Respect for patient dignity and modesty

**EFFECT OF COMMITTEE AMENDMENT:**

Makes requirements applicable to continuing care retirement communities only. Modifies complaint procedure to require response within 14 days, completion of investigation within 90, and written report. Permits provider to deny request if unable to comply.

**BACKGROUND:**

Residents in continuing care retirement communities may need assistance with a number of activities of daily living, including the most intimate, such as toileting, bathing, dressing, grooming and personal hygiene. It is crucial for care givers to be sensitive to the modesty, comfort levels, boundaries, and preferences of their patients in the delivery of such care.

Senate Bill 307-A requires facilities to respect residents' requests for assistance from qualified persons of the same gender, and provides a process for written responses and documentation concerning such requests.