

STAFF MEASURE SUMMARY

Joint Committee On Ways and Means

**Fiscal:** Fiscal impact issued

**Revenue:** No Revenue Impact

**Action Date:** 06/19/15

**Action:** Do Pass.

**Meeting Dates:** 06/19

**Vote:**

**House**

Yeas: 12 - Buckley, Gomberg, Huffman, Komp, McLane, Nathanson, Rayfield, Read, Smith, Whisnant, Whitsett, Williamson

**Senate**

Yeas: 11 - Burdick, Devlin, Girod, Hansell, Johnson, Monroe, Roblan, Shields, Steiner Hayward, Thomsen, Whitsett

Exc: 1 - Winters

**Prepared By:** Laurie Byerly, Budget Analyst

**WHAT THE MEASURE DOES:**

Requires continuing care retirement communities to establish a procedure for residents 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. Adds residents of continuing care retirement communities to the client portfolio of the Long Term Care Ombudsman.

**ISSUES DISCUSSED:**

- Importance of gender-appropriate, intimate care
- Respect for patient dignity and modesty
- Fiscal impact

**EFFECT OF COMMITTEE AMENDMENT:**

No amendment.

**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.

The measure 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.