

HOUSE BILL REPORT

HB 2410

As Reported By House Committee On:

Health Care
Appropriations

Title: An act relating to the administration of boarding homes.

Brief Description: Establishing the department of social and health services as the sole administrator for boarding homes.

Sponsors: Representative Dyer.

Brief History:

Committee Activity:

Health Care: 1/30/98, 2/3/98 [DP];

Appropriations: 2/7/98 [DP].

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: Do pass. Signed by 10 members: Representatives Dyer, Chairman; Backlund, Vice Chairman; Skinner, Vice Chairman; Cody, Ranking Minority Member; Murray, Assistant Ranking Minority Member; Anderson; Conway; Parlette; Wood and Zellinsky.

Minority Report: Do not pass. Signed by 1 member: Representative Sherstad.

Staff: Antonio Sanchez (786-7383).

Background: Washington State has four principal types of long-term care facilities for its disabled or frail elderly citizens. These include nursing homes, state developmentally disabled (DD) institutions, adult family homes, and boarding homes. Boarding homes are care facilities usually ranging in size from 10-60 residents. Smaller boarding homes are often called group homes and larger ones might be marketed to the public as assisted living facilities. Boarding homes are not just rooming houses. They offer room, board, and personal care or nursing services. Boarding homes are licensed, regulated and inspected by the Department of Health (DOH) while the Department of Social and Health Services (DSHS) establishes the payment rate for state supported Medicaid clients. There are over 400 boarding homes currently in the state with approximately 16,000 residents. Of this total only 13 percent of the residents have their care paid by the DSHS. The remainder of boarding home residents pay for their care from their own resources.

The DOH conducts its comprehensive licensing inspection approximately every 12 months and also responds to individual complaints concerning residents care or the facility. If a violation is found to have occurred, the DOH has the authority to take the same actions as the DSHS including, consultations, placing conditions on a license, more staff training, stopping admissions, fines, and closing a facility.

Both 1995 and 1996 legislative reports on residents' rights, quality of care, and regulatory enforcement conducted by the Washington State Long-term Care Ombudsman Program found concern with the way in which the DOH conducted investigations under its regulatory oversight. Further similar concerns have been raised in the ombudsman's 1998 follow-up investigation of the enforcement of safety and care standards in boarding homes. In that follow-up study they again found "widespread problems in the regulatory oversight provided by the state's Department of Health". This 1998 ombudsman report recommended that the Legislature eliminate the dual regulation of boarding homes and transfer jurisdiction of boarding homes to the DSHS.

Summary of Bill: The powers and duties regarding boarding homes, previously held by the DOH are transferred to the DSHS effective January 1, 1999.

Appropriation: None.

Fiscal Note: Requested on January 21, 1998.

Effective Date: The bill takes effect on January 1, 1999.

Testimony For: The DSHS has a proven record of effectively dealing with violations while the DOH has repeatedly shown to have failed to protect the safety and health of residents in boarding homes and adult family homes.

Testimony Against: This measure is not necessary. The DOH has increased its inspections, is addressing violations, and is doing better documentation.

Testified: Kary Hyre and Jeff Crollard, Long-term Care Ombudsman Program (pro); Janene Quaammen (pro); and Bruce Miyahara, Department of Health (con).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 29 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Grant; Keiser; Kenney; Kessler; Lambert; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

Staff: Jason Hall (786-7145).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Health Care: No new changes were recommended.

Appropriation: None.

Fiscal Note: Requested on January 21, 1998.

Effective Date: The bill takes effect on January 1, 1999.

Testimony For: The DSHS does a better job than the Department of Health in licensing other areas. This bill streamlines government. The DSHS already has experience managing community-based facilities. The Department of Health doesn't speak to the residents when it investigates complaints.

Testimony Against: None.

Testified: Kary Hyre, Long-Term Care Ombudsman.