

FINAL BILL REPORT

SHB 1320

PARTIAL VETO

C 319 L 01

Synopsis as Enacted

Brief Description: Modifying provisions concerning adult family homes.

Sponsors: By House Committee on Health Care (originally sponsored by Representatives Edmonds, Skinner, Pennington, Cody, Gombosky, Campbell, Darneille, Ruderman, Conway, Schual-Berke, Edwards, Mielke, Linville, Kenney, Jackley and Kagi).

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background:

Adult family homes are residential homes licensed to care for up to six residents. These homes provide room, board, laundry, necessary supervision, assistance with activities of daily living, personal care, and nursing services, if necessary. There are a total of 2,086 licensed adult family home facilities. Approximately 18,992 persons live in adult family home. Of that total, approximately 4,614 are state-funded residents. The Department of Social and Health Services (DSHS) is responsible for licensing adult family homes, which provide community-based residential care for elderly and disabled individuals. The minimum qualifications for getting an adult family home license include being at least age 21, being literate, being able to demonstrate management ability, and having completed some basic training. Background checks are also required to rule out any criminal convictions. The department may refuse to license an applicant who has a history of significant noncompliance with federal or state regulations or laws in providing care or services to vulnerable adults or children.

The department does not have statutory authority to deny an adult family home license based on the applicant's lack of ability or experience to provide care to vulnerable adults. There are no educational degree requirements or minimum hours of experience necessary to become a provider.

Home visits are made by the DSHS for complaint investigations, re-inspections of current licensed homes, follow-up to serious findings, and initial inspections for new or transferring homes. The department may inspect all records of the provider and enter any room of the adult family home any time it makes a home visit inspection. There is no statutory authority for establishing a priority status or for a provisional license for adult family home pending resale with only the home inspection pending.

A food safety permit is required for adult family home providers and staff as a result of the State Board of Health's recent rewrite of the regulations.

Summary:

The personal records and the separate bedroom of the adult family home provider are off limits to the DSHS inspectors unless the visit is made as part of a complaint investigation or for the initial inspection for licensing the home.

If a violation is found during an adult family home inspection, the DSHS is required to mail the notice of violation within 10 working days of the completed inspection. The department is required to provide consultation and technical assistance to providers who have been found to have a violation during the inspection process if the provider requests such assistance.

The minimum qualifications needed to become a licensed adult family home provider are modified. After September 1, 2001, providers and resident managers must have a high school diploma or a general educational development (GED) certificate and at least 320 hours of successful direct caregiving experience obtained after the age of 18 to adults or children in a licensed contracted setting. They must also be English literate or assure that there is a person on staff and available that is literate enough in the English language to deal with emergencies and read and understand the resident's care plan.

Adult family homes are required to comply with all statutes regarding the control and treatment of sexually transmitted diseases, including training requirements for staff.

The DSHS is required to give processing priority or may issue a provisional license to applicants seeking a new license when purchasing a home with an existing license. Provisional licenses may be issued only if the application has been initially processed and all that remains to complete is an on-site inspection by the DSHS.

The DSHS is required to develop educational opportunities for licensing and quality assurance staff to assure that they become familiar with the actual environment and daily hands-on care and services in an adult family home.

The DSHS is required to implement a food safety component as part of the required training for staff and providers in adult family homes. The food safety component must meet the standards established by the State Board of Health. Beginning in 2002, adult family home providers and staff will not be required to have an individual food handlers permit if they successfully complete training.

Any long-term care employer who discloses information about a former or current employee to a prospective employer of long-term care services, is immune from civil and criminal liability. Sharing this information between employers is presumed to be done in

good faith if it relates to the employee's ability to do the job, the diligency, skill, or reliability the employee shows, or any illegal or wrongful act committed by the employee in his or her capacity as a caregiver.

Expired legislation enacting the moratorium on authorization of adult family home licenses is repealed.

Votes on Final Passage:

House 94 0

Senate 49 0 (Senate amended)

House 93 0 (House concurred)

Effective: July 22, 2001

Partial Veto Summary: The veto removed the authority for employees of adult family homes to replace a food handlers license from the Department of Health with approved additional food safety training as part of their regular care giver training. The implementation date for the elimination of the food handlers permit for adult family home employees was also removed.

The requirement for the Department of Social and Health Services to develop opportunities for its staff to become familiar with the routines of adult family homes was also eliminated.