

HOUSE BILL REPORT

HB 1320

As Reported by House Committee On:
Health Care

Title: An act relating to adult family homes.

Brief Description: Modifying provisions concerning adult family homes.

Sponsors: Representatives Edmonds (co-prime sponsor), Skinner (co-prime sponsor), Pennington, Cody, Gombosky, Campbell, Darneille, Ruderman, Conway, Schual-Berke, Edwards, Mielke, Linville, Kenney, Jackley and Kagi.

Brief History:

Committee Activity:

Health Care: 2/22/01, 2/27/01 [DPS].

Brief Summary of Substitute Bill

- The personal records and the separate bedroom of the adult family home provider are off limits to inspectors unless the visit is made as part of a complaint investigation or for the initial inspection for licensing the home.
- Notice of violations must be sent within 10 working days of the completed inspection. Consultation and technical assistance must be offered 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; including a highschool diploma or a general educational development (GED) certificate and at least 320 hours of successful direct caregiving experience to adults or children in a licensed contracted setting. English literacy required or assure that there is a person on staff and available who is.
- 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 and just need an on-site inspection.
- The DSHS is required to develop educational opportunities for licensing and quality assurance staff so they can 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 in lieu of a food handlers permit.
- 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.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington and Ruderman.

Staff: Antonio Sanchez (786-7383).

Background:

Adult Family Homes are residential homes licensed to care for up to six residents. They 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, literate, able to demonstrate management ability, and complete 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. Currently, there are no educational 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 for initial inspections for new or transferring homes. The department currently has authority to inspect all records of the provider and to enter any room of the adult family home any time they make 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 currently required for adult family home providers and staff as a result of the State Board of Health's recent rewrite of the regulations.

Summary of Substitute Bill:

The personal records and the separate bedroom of the adult family home provider are off limits to 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 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 can 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. 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 employers 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 diligence, skill, or reliability the employees shows, or any illegal or wrongful act committed by employees in their capacity as caregivers.

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

Substitute Bill Compared to Original Bill:

Removes the DSHS temporary management program and the voluntary use of an outside dispute resolution center. All modification to the due process procedures, infraction remedies and sanctions are also eliminated.

Removes the requirement that would have made the DSHS release information about alleged violations until the provider has undergone all due process procedures.

Modifies the qualifications adult family home providers and resident managers must have before being licensed.

The requirement that authorized adult family homes to keep residents who choose to stay in the home unless there is an adjudicative hearing is removed.

The mandate that the DSHS pay for the full cost of resident care as defined in the plan of care and for all hours of supervision is removed.

Removes the requirement that requires that the DSHS be responsible for paying the reasonable cost of attorney fees and expenses for any administrative or adjudicative appeals in favor of the appellant.

All advanced directive language indicating how an adult family home provider should follow a resident's or his or her surrogate's medical requests for life saving procedures is removed.

The DSHS is required to work together with the Board of Health to establish training for handling food that complies with standards equivalent to a food handlers permit.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill will allow adult family homes to provide better care for their residents by making the inspection process more uniform and predictable and establishing higher licensing standards for providers and resident managers.

Testimony Against: None.

Testified: (In favor of substitute) Jeff Larsen, Washington State Residential Care Council; Pat Lashway, Department of Social and Health Services; and Bill Day, Adult Family Home Association.