

2637

Sponsor(s): Representatives Edwards and Skinner

Brief Description: Regarding standards and protection of residents in boarding homes and adult family homes.

HB 2637 - DIGEST

Provides that, when a change in licensee occurs, the new licensee is responsible for correcting any remaining violations that exist, including complying with any plan of correction in effect immediately prior to the change in licensee.

Provides that, if any person affiliated with the new licensee was affiliated with a prior licensee at the same boarding home, then the prior licensee's compliance and enforcement record is part of the new licensee's record at the boarding home.

Declares that a person is considered affiliated with a licensee if the person is an applicant for the boarding home license, or is listed on the license application as a partner, officer, director, managerial employee, or majority owner of the applying entity.

Provides that, when the department finds a violation during an inspection or investigation, the department shall issue a written notice or citation and direct the boarding home to correct the violation.

Provides that the selection of enforcement remedies shall be consistent with the following criteria: (1) A stop placement or limited stop placement may not be imposed unless there is a reasonable probability that significant harm to a resident, or harm to more than one resident, will occur or reoccur as a result of the violation or violations;

(2) A summary suspension may not be imposed unless there is an imminent threat that significant harm to more than one resident will occur as a result of a violation or violations;

(3) A license revocation, denial, or nonrenewal may not be imposed unless there is cause to summarily suspend the license; or there is a current violation and the boarding home has a history of significant noncompliance; or there is a serious current violation, such as possible business failure that jeopardizes the care of residents; or for willfully preventing or interfering with an inspection or investigation by the department;

(4) If the department imposes a civil penalty, the initial day of the penalty for a violation that caused actual harm to a resident may be the first day harm occurred; and

(5) If the department imposes a civil penalty for a serious, uncorrected, or recurring violation that caused actual harm to a resident, the total penalty shall be not less than one thousand dollars.