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**Children & Family Services  
Committee**

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**HB 2914**

**Brief Description:** Regarding compliance with certification standards for providers of residential services and support to persons with developmental disabilities.

**Sponsors:** Representatives Roberts, Haler, Darneille, Kagi, Dickerson, Morrell, Hankins, Green and Simpson.

**Brief Summary of Bill**

- Provides the Department of Social and Health Services (Department) with additional means of enforcing certification standards for providers of residential services and support to persons with developmental disabilities.

**Hearing Date:** 1/25/06

**Staff:** Sydney Forrester (786-7120).

**Background:**

*A developmental disability* is a disability that:

- (1) originates before the age of 18 years;
- (2) is attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition closely related to, or requiring treatment similar to that required by, mental retardation;
- (3) is expected to continue indefinitely; and
- (4) constitutes a substantial handicap.

The Department is authorized to contract for a variety of services to persons with developmental disabilities. Residential services and support includes a wide array of supported living services, many of which may be provided in the persons own home. Providers of supported living services must be certified by the Department. Certification differs from licensing, primarily because the certification process assesses the ability and appropriateness of the agency and its employees to provide particular services, whereas licensure focuses on a specific facility that provides services at a particular location.

For licensed facilities, the Department has comprehensive compliance enforcement authority. For certified providers, however, the Department does not have the same authority to enforce certification standards.

**Summary of Bill:**

The Department is authorized to take one or more actions when a certified provider fails to comply with certification requirements or the certification process, or with the mandatory reporting requirements under the vulnerable adult statute. The Department also can take action if a certified provider interferes with an inspection or knowingly provide false information during the certification process or during an investigation.

Actions the Department is permitted to take are:

- (1) Decertifying or refusing to renew the certification;
- (2) imposing conditions on a provider's certification status;
- (3) Imposing civil fines of up to five hundred dollars per day per violation;
- (4) Suspending referrals to the providers; or
- (5) Requiring the provider to implement a corrective action plan.

When determining what enforcement action to take, the Department must select action commensurate with the seriousness of the threat or harm to the persons being served. For violations that remain uncorrected or are repeated or pervasive, the Department may take actions that are more severe.

The Department is directed to adopt rules governing criteria to be used for the selection and implementation of enforcement actions. The Administrative Procedures Act applies to the enforcement actions authorized. The effective date of enforcement actions will not be suspended or delayed pending an administrative hearing or review except for reviews or hearing on civil fines.

**Appropriation:** None.

**Fiscal Note:** Requested on 1/16/06.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.