
Health Care & Wellness Committee

HB 1494

Brief Description: Concerning elder placement referrals.

Sponsors: Representative Moeller.

Brief Summary of Bill
<ul style="list-style-type: none">• Requires elder placement referral agencies to register with the Department of Health.• Establishes contract requirements and preliminary client assessment criteria that elder placement referral agencies must follow.

Hearing Date: 2/2/11

Staff: Chris Blake (786-7392).

Background:

There are several types of facilities and service agencies that provide a broad spectrum of housing and services to seniors.

The Department of Social and Health Services licenses three primary types of residential long-term care settings for seniors: nursing homes (sometimes referred to as skilled nursing facilities), boarding homes, and adult family homes.

Nursing Homes: Nursing homes provide continuous 24-hour convalescent and chronic care. Such care may include the administration of medications, preparation of special diets, bedside nursing care, application of dressings and bandages, and carrying out treatment prescribed by licensed health care providers.

Boarding Homes: Boarding homes are facilities that provide housing and basic services to seven or more residents. Services provided by boarding homes include housekeeping, meals, snacks, laundry, and activities. They may also provide domiciliary care including assistance with activities of daily living, health support services, and intermittent nursing services.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Adult Family Homes: Adult family homes are facilities licensed to care for up to six individuals who need long-term care. These homes provide room, board, laundry, necessary supervision, and assistance with activities of daily living, personal care, and nursing services.

The Department of Health licenses in-home services agencies which may provide a range of services to people in their place of residence, including home health services, home care services, hospice care services, and hospice care center services.

Home Health Services: Home health services are services provided to sick, disabled, or vulnerable individuals, including nursing services, home health aide services, physical therapy, occupational therapy services, speech therapy services, respiratory therapy services, nutritional services, medical social services, and home medical supplies or equipment services.

Home Care Services: Home care services are nonmedical services and assistance provided to sick, disabled, or vulnerable individuals to allow them to stay in their residences. These services include personal care, homemaker assistance, respite care assistance, or other nonmedical services or delegated nursing tasks.

Hospice Services: Hospice services are symptom and pain management for terminally ill individuals as well as emotional, spiritual, and bereavement support for the individual and his or her family. These services may include home health and home care services.

Hospice Care Center Services: Hospice care center services are hospice services provided in a "home-like" noninstitutional facility.

Summary of Bill:

"Elder placement referral agencies"(referral agencies) are defined as businesses that receive a part of their income from people seeking placement in a senior housing setting or from a senior housing provider and that either (1) offer to obtain senior services or senior housing for its clients, (2) provide information regarding where senior services or senior housing may be obtained, or (3) sell a list of senior service providers or names of persons or companies providing senior services or senior housing. Government entities are exempt from the definition of a referral agency. "Senior housing" means any type of housing for people 55 years or older, including nursing homes, boarding homes, adult family homes, and retirement communities. "Senior services" means any combination of services designed for allowing seniors to receive services and care at home, including in-home care and home health care.

After January 1, 2012, any person who operates a referral agency must be licensed by the Department of Health. It is a misdemeanor to operate an unregistered referral agency. Referral agencies must comply with specific recordkeeping requirements of all services that have been provided to clients. Clients must receive copies of all contracts that they execute with the referral agency. All contracts must contain:

- identification and contact information regarding the referral agency and the client;
- an acknowledgment that the agency is acting as a representative of the client;

- a provision that states that the referral agency may not require or request clients to sign waivers of potential liability for the loss of personal property or injury;
- the amount of the fee to be charged to the client or provider or the method of calculating the fee and the time and method of payment; and
- a copy of referral agency laws.

Referral agencies must conduct a preliminary assessment of the client and develop a preliminary care plan before providing a referral or placement. The assessment must be performed by a qualified professional such as a nurse or a person with at least a bachelor's degree in social services, human services, or behavioral sciences. The preliminary care plan must address the following items:

- medical and behavioral health history;
- necessary and contraindicated medications;
- a licensed health professional's diagnosis;
- significant known behaviors or symptoms that may require special care;
- level of personal care needs;
- activities and service preferences; and
- preferences regarding other issues important to the client.

Referral agencies are prohibited from charging a fee from a client or senior housing provider unless the elder placement referral agency complies with the terms of the written contract, discloses the terms of the contract to the client and provider prior to the referral, and refers the client to a provider from which the housing is obtained. Referral agencies may not receive payment for referring an individual to a provider to furnish services provided by the state's medical assistance programs.

The Department of Health must register qualified referral agencies. To become registered, a referral agency must submit a fee and file a written application with the Department containing contact information, a background check of the applicant, and financial disclosures regarding any person with more than a 20 percent interest in the company. The applicant must submit a copy of the form of contract and fee schedule to be used with clients, senior services providers, and senior housing providers. Registrations must be renewed annually. Referral agencies must provide evidence of having liability insurance of at least \$1 million. Employees of referral agencies must pass a criminal background check every two years.

The Secretary of Health is authorized to establish fees, adopt rules, and issue registrations, and conduct investigations and serve as the disciplining authority for violations of the Uniform Disciplinary Act.

Legislative findings are made relating to the value of locating acceptable housing for seniors, the importance of the competence and honesty of elder placement referral agencies, and the need for oversight and regulation of elder placement referral agencies.

Appropriation: None.

Fiscal Note: Requested on January 24, 2011.

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