

# HOUSE BILL REPORT

## SHB 1574

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**As Passed House:**  
March 6, 2013

**Title:** An act relating to investigative costs for residential services and supports programs.

**Brief Description:** Establishing a fee for certification for the residential services and supports program to cover investigative costs.

**Sponsors:** House Committee on Early Learning & Human Services (originally sponsored by Representatives Kagi, Ryu and Pollet; by request of Department of Social and Health Services).

**Brief History:**

**Committee Activity:**

Early Learning & Human Services: 2/8/13, 2/12/13 [DPS];  
Appropriations: 2/21/13, 2/27/13 [DPS(ELHS)].

**Floor Activity:**

Passed House: 3/6/13, 69-28.

**Brief Summary of Substitute Bill**

- Requires a certification fee for providers who contract with the Division of Developmental Disabilities to provide services through the Residential Services and Supports Program.

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### HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Kagi, Chair; Freeman, Vice Chair; Farrell, Goodman, Roberts and Sawyer.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Scott, Assistant Ranking Minority Member; MacEwen, Overstreet and Zeiger.

**Staff:** Linda Merelle (786-7092).

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### HOUSE COMMITTEE ON APPROPRIATIONS

*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.*

**Majority Report:** The substitute bill by Committee on Early Learning & Human Services be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Carlyle, Cody, Dunshee, Green, Haigh, Haler, Hudgins, Hunt, Jinkins, Kagi, Maxwell, Morrell, Pedersen, Pettigrew, Seaquist, Springer and Sullivan.

**Minority Report:** Do not pass. Signed by 12 members: Representatives Alexander, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Dahlquist, Fagan, Harris, Parker, Pike, Ross, Schmick and Taylor.

**Staff:** James Kettel (786-7123).

**Background:**

*Residential Services and Support.*

Residential services are provided to eligible clients of the Division of Developmental Disabilities (DDD) by providers and enable clients to live in their community. They may include supported living services and group home services.

*Group Home.*

A certified group home is a community-based licensed residential program where the provider who contracts with the DDD owns the facility. A group home may be licensed as either an Adult Family Home or an Assisted Living Facility (formerly a Boarding Home). An Adult Family Home may be licensed for a maximum of six residents. An Assisted Living Facility may be licensed for seven or more residents. The majority of certified group homes are privately owned businesses, and the homes may serve from four to 10 DDD clients. Certification and licensing are carried out through separate processes.

*Supported Living Services.*

Supported living services are residential services provided to DDD clients who are living in their own homes in the community. The DDD contracts with individuals and agencies that provide these services. The amount of supported living services may vary from a few hours per month to 24 hours of one-on-one support per day. The majority of the providers that contract with the DDD provide services in the home of the client.

*Certification.*

Providers are certified through the Residential Care Services Division of the Aging and Disability Services Administration (Services Division). A certification means that the provider has complied with certain administrative requirements such as staffing, liability insurance, and the practices used by the provider to deliver services, as outlined in provisions in the Washington Administrative Code. The certification provided by the Services Division allows a provider to continue to receive referrals and to provide services under a contract

with the DDD. Certification may be granted to providers for up to two years. There is no fee for certification.

**Summary of Substitute Bill:**

Beginning July 1, 2013, a provider of residential services for DDD clients must pay an initial and an annual certification fee. The purpose of the fee is to pay for the costs of additional resources to investigate complaints about provider practice and clients who are alleged to have been abused, neglected, abandoned, or exploited. The Department of Social and Health Services (DSHS) must use these additional resources to address the complaint work load and to intervene for clients in a timely manner when there is possible abuse or neglect.

The initial and subsequent annual fee must be established in the omnibus appropriations act. The fees imposed may not exceed the costs for the investigation of complaints. No certification fee will be required for government-operated institutions, clients of adult family homes, and assisted living facilities where the provider is already paying a license fee for a client, or court-appointed receivers.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 2013.

**Staff Summary of Public Testimony (Early Learning & Human Services):**

(In support) This bill follows a pattern that the Legislature began a number of years ago. It has long been in place for nursing homes, and now the same concept is being applied to supported living providers. This fee would allow the DSHS to pay for resources to fund regulatory and investigative costs. There are many complaints, and currently staff numbers are insufficient to address them all. Instead of responding to every complaint, the DSHS triages them. The assumption for the fiscal analysis is that the fees would allow for six additional investigators. The providers who care for Medicaid clients are reimbursed, and virtually all clients served with residential support services are Medicaid eligible. Additional State General Fund expenditures will not be incurred. This is a really important issue and this is an important response. There has been a failure on the part of the abuse response system to respond in a timely manner when there has been suspected abuse. This is about the response to an allegation of abuse not about how common abuse is. In most cases, when a person makes an allegation, there was not a response within nine months. Getting more investigators is key to making sure that the DSHS has the tools it needs to respond. We need more investigators and we appreciate the mechanism. Abuse and neglect is a very serious problem and we need more investigators to respond in a timely manner.

(Opposed) None.

**Staff Summary of Public Testimony (Appropriations):**

(In support) The current number of investigation staff in the Department of Social and Health Services (DSHS) is insufficient to respond to all complaints of abuse, neglect, or exploitation in community residential settings. This legislation will result in a substantial increase in staffing resources to respond to more complaints, and to respond more quickly to complaints. Abuse investigations can change lives, which is why this legislation is so important. Providers who care for Medicaid clients are reimbursed for the fees they will pay, and virtually all clients served within community residential settings are Medicaid-eligible. There is no net impact for most providers.

(Opposed) None.

**Persons Testifying** (Early Learning & Human Services): Representative Kagi, prime sponsor; Jane Beyer, Department of Social and Health Services Aging and Disability Services Administration; David Lord, Disability Rights Washington; Vickie Foster; George Adams, Self Advocates of Washington; Melissa Johnson; Community Residential Services Association; and Ed Holen, Washington State Developmental Disabilities Council.

**Persons Testifying** (Appropriations): David Lord, Disability Rights Washington; Bill Moss, Department of Social and Health Services; and Melissa Johnson, Community Residential Services Association.

**Persons Signed In To Testify But Not Testifying** (Early Learning & Human Services): None.

**Persons Signed In To Testify But Not Testifying** (Appropriations): None.