
Early Learning & Human Services Committee

HB 2634

Brief Description: Concerning enforcement standards for residential services and support providers.

Sponsors: Representatives Kagi, Tharinger and Freeman; by request of Department of Social and Health Services.

Brief Summary of Bill

- Specifies that legal enforcement standards apply to all residential services and support providers.
- Decreases the maximum civil penalty for residential services and support providers from \$150 to \$100 per day, and establishes a maximum fine of \$3,000 per violation.
- Creates a residential services and support account with the Office of the State Treasurer for deposits from penalties imposed on residential service providers.

Hearing Date: 2/3/14

Staff: Luke Wickham (786-7146).

Background:

The Developmental Disabilities Administration (DDA) assists individuals with developmental disabilities and their families to obtain services and supports based on individual preference, capabilities and needs, and which promote everyday activities, routines and relationships common to most citizens. Participation in all DDA services is voluntary.

Residential Services for Individuals with Developmental Disabilities.

There are several different residential programs and services that may be available to clients of the DDA, which include the following:

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 are regular neighborhood homes where staff assumes responsibility for the safety and well-being of an adult;
- Alternative Living Services are instructional services provided by an individual contractor;
- the Community Protection Program (CPP) provides intensive 24 hour supervision for clients who have been identified as posing a risk to their community due to criminal charges, conviction, or a history of sexual or violent crime;
- Companion Homes provide residential services and supports in an adult foster care model to no more than one adult DDA client;
- Group Homes are community-based residences serving two or more adult clients and are licensed as either an assisted living facility or an adult family home;
- Intermediate Care Facilities for Individuals with Intellectual Disabilities are residential settings that provided habitation training, 24 hour supervision, and medical services for Medicaid eligible clients;
- Residential Habitation Centers are state operated residential settings that provide habitation training, 24 hour supervision, and medical services for clients who meet Medicaid eligibility and need active treatment;
- Supported Living Services offer instruction and support to persons who live in their own homes in the community;
- State Operated Living Alternatives programs are operated by DDA with state employees providing instruction and support to clients; and
- Voluntary Placement Services offer a variety of supports to eligible children living in a licensed setting outside the family home.

Community Protection Program Enforcement Standards.

The DSHS is authorized to take action against CPP residential service providers who fail or refuse to comply with the certification requirements, rules adopted to implement the program, requirements for services to vulnerable adults, or make false statements to the DSHS. The sanctions the DSHS may impose include decertifying or refusing to renew certification of a provider, imposing conditions on the certification, suspending DSHS referrals to the provider, imposing civil monetary penalties, or requiring the provider to implement a corrective action plan.

Allotment.

Allotment of appropriation is the plan prepared by an agency stating proposed expenditures, the Director of the Office of Financial Management's review of that statement, and placement of the approved statement into the state budgeting, accounting, and reporting system.

Summary of Bill:

The enforcement standards provided in law are specified to apply to all residential services and support providers, not only those for the CPP. The DSHS may refuse to certify a residential services and support provider. Removes the requirement that the DSHS may only impose civil penalties after requiring a provider to implement a plan of correction and the provider failed to implement that plan or fails to cooperate with subsequent monitoring. The maximum civil penalty is decreased from \$150 per day to \$100 per day. A total maximum fine of \$3,000 per violation is established.

A residential services and support account is created in the custody of the Office of the State Treasurer. All receipts from penalties imposed on residential service and support providers are deposited into this account. Only the Director or the Director's designee may authorize expenditures, which are subject to allotment procedures. The DSHS shall use the account only for promoting the quality of life and care of clients receiving care and services from the certified providers.

Appropriation: None.

Fiscal Note: Not requested.

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