

SENATE BILL REPORT

SHB 1574

As of March 25, 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: Passed House: 3/06/13, 69-28.

Committee Activity: Health Care: 3/18/13.

SENATE COMMITTEE ON HEALTH CARE

Staff: Kathleen Buchli (786-7488)

Background: Residential services are provided to eligible clients of the Department of Social and Health Services' (DSHS) Division of Developmental Disabilities (DDD) by providers, and enable clients to live in their community. Providers wishing to become certified by DSHS must submit an application and comply 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. DSHS must deny applications if the provider is found to have abused, neglected, abandoned, or financially exploited a vulnerable adult or has been convicted of certain crimes including violent crimes.

The certification provided by DSHS allows a provider to receive referrals and to provide services under a contract with DDD. Certification may be granted to providers for up to two years and an onsite certification evaluation of each service provider may be conducted at any time by DSHS. DSHS may also conduct unannounced complaint investigations to determine the service provider's compliance with DSHS rules and the residential services contract. There is no fee for certification.

Summary of Bill: Beginning July 1, 2013, a provider of residential services for DDD clients must pay an initial and an annual certification fee. The initial and subsequent annual fee must be established in the omnibus appropriations act and may not exceed the costs for the

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investigation of complaints about provider practice and individuals alleged to have abused, neglected, abandoned, or exploited clients. Fees must include DSHS costs of paying providers for the amount of the certification fee attributed to Medicaid clients. No certification fee will be required for government-operated institutions, clients of adult family homes, assisted living facilities where the provider is already paying a license fee for a client, or court-appointed receivers.

DSHS must use revenues generated by the fee to investigate complaints about provider practice and clients who are alleged to have been abused, neglected, abandoned, or exploited. DSHS must address the growth in the residential services and supports program complaint workload and intervene for clients in a timely manner when there is possible abuse or neglect.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: DSHS has a backlog relating to its investigations. We are concerned about this backlog and this bill will add seven more investigators to DSHS. More than 50 percent of the current DSHS caseload is open more than 90 days. The fee will draw down a federal match and then the providers will be reimbursed for the fee. This will pay for investigations and will be supported by Medicaid dollars. There is currently no effective abuse response system for those in supportive living. We need more investigators. When people make complaints, there is an expectation that they will be promptly investigated and this is not happening. This bill will not cost the state money to implement. This is consistent with how other states pay license fees. This would add six more investigators without impacting the general fund.

Persons Testifying: PRO: Melissa Johnson, Community Residential Services Assn.; Cherie Tessier, citizen; Bill Moss, DSHS; David Lord, Disability Rights WA.