

SENATE BILL REPORT

SSB 5630

As Amended by House, April 15, 2013

Title: An act relating to the enactment of the Engrossed Substitute House Bill No. 1277 adult family home quality assurance panel

Brief Description: Implementing recommendations of the adult family home quality assurance panel.

Sponsors: Senate Committee on Health Care (originally sponsored by Senators Bailey, Keiser, Becker, Conway and Frockt).

Brief History:

Committee Activity: Health Care: 2/12/13, 2/21/13 [DPS].

Passed Senate: 2/27/13, 49-0.

Passed House: 4/15/13, 97-0.

SENATE COMMITTEE ON HEALTH CARE

Majority Report: That Substitute Senate Bill No. 5630 be substituted therefor, and the substitute bill do pass.

Signed by Senators Becker, Chair; Dammeier, Vice Chair; Keiser, Ranking Member; Bailey, Cleveland, Ericksen, Frockt, Parlette and Schlicher.

Staff: Kathleen Buchli (786-7488)

Background: In 2011, the Legislature passed ESHB 1277, relating to the oversight of licensed or certified long-term care settings for vulnerable adults. The bill required the Department of Social and Health Services (DSHS) to convene a quality assurance panel to review problems in the quality of care in adult family homes and to reduce incidents of abuse, neglect, abandonment, and financial exploitation. The state's long-term care ombudsman chaired the panel and identified appropriate stakeholders to participate. The panel considered inspection, investigation, public complaint, and enforcement issues as they relate to adult family homes. The panel also focused on oversight issues to address de minimus violations, processes for handling unresolved citations, and better ways to oversee new providers. The panel was required to provide a report with recommendations to the Governor's office, the Senate Health and Long-Term Care Committee, and the House of Representatives Health and Wellness Committee by December 1, 2012.

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 regulated by DSHS. Providers and resident managers of adult family homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness must complete specialty training before admitting or serving these residents. Specialty training includes core knowledge and skills that providers and resident managers need to safely provide care to residents with special needs.

DSHS may refuse to license or suspend the license of an adult family home if it finds that the home has violated state laws or rules regarding its regulation or if it has interfered with a DSHS investigation. DSHS may also issue a stop placement order under which a home may not admit new clients until the order is terminated. The stop placement order will be terminated when violations have been corrected, and the provider exhibits the capacity to maintain the correction.

Summary of Substitute Bill: The specialty training required of providers and resident managers is also required of caregivers, defined as those who give hands-on personal care on behalf of an adult family home. DSHS must determine whether existing specialty training courses are adequate to meet the special needs of residents with dementia, developmental disabilities, or mental illness. DSHS may adopt rules to enhance the existing specialty training requirements and update these requirements based on its review. This includes determining whether additional specialty training categories should be created for adult family homes serving residents with other special needs such as traumatic brain injury, skilled nursing, or bariatric care.

Adult family homes must disclose the scope of care, services, and activities provided by the home or customarily arranged for by the home. Items to be disclosed include the scope of personal care and medication service provided, the scope of skilled nursing services or nursing delegation provided, any specialty care designations held by the home, the customary number of caregivers present during the day and whether the home has awake staff at night, any available cultural or language access, and whether the home admits Medicaid clients or retains residents who later become eligible for Medicaid. The adult family home's specific charges for its care, services, items, and activities must also be disclosed.

Adult family homes must provide at least 30 days' notice before a decrease in the scope of care, services, or activities it provides. Increases in scope of care, services, or activities must be promptly communicated to residents in writing and include the date on which the increase is effective. If the adult family home increases services to meet the needs of a resident, it is not required to provide the same care or services to other residents. Adult family homes may deny admission to prospective residents if the home determines that the needs of the prospective resident cannot be met.

DSHS must develop a user-friendly website for family members, residents, and prospective residents of adult family homes and other licensed long-term care facilities in the state. The website must have links to the following: explanations of the types of licensed long-term care facilities, levels of care, and specialty designations; lists of suggested questions to ask when looking for a care facility; warning signs of abuse, neglect, or financial exploitation; contact information for DSHS and the long-term care ombuds; a searchable list of all licensed long-term care facilities in the state; links to inspection reports and enforcement actions of licensed long-term care facilities; and each adult family home's disclosure form.

DSHS must study the feasibility of its website including periodically updated information about whether an adult family home has a current vacancy, or including links to other consumer oriented-websites with such vacancy information.

An adult family home that corrects a deficiency during an inspection will not have the deficiency included in the home's compliance history if the deficiency is not recurring and did not pose a significant risk of harm to a resident.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This bill contains common sense items such as requiring website information so people can easily determine what a facility provides. This bill is a result of the quality assurance panel. Adult family homes are important to long-term care in Washington State and provide home-like services for people in this state. The variety of need provided in homes is broad and includes services for frail elders and persons with developmental disabilities. We support the specialty training enhancements and exploring additional specialty training programs. Enforcement in adult family homes should focus on significant issues and not de minimus issues; if providers are able to correct the violation on site, they should not be punished for that incident. We are enthusiastic about the requirements for consumer information. People need to know what services are available, what is appropriate, and whether they are able to afford it. Consumers need a reference point and the DSHS website needs to be updated and become user-friendly.

Persons Testifying: PRO: Senator Bailey, prime sponsor; Bill Moss, DSHS; Vicki McNealley, WA State Residential Care Council; Patricia Hunter, Long-Term Care Ombudsman Program; Ingrid McDonald, Assn. for the Advancement of Retired Persons.

House Amendment(s): Increases the number of days that an adult family home under a stop placement order may be in violation before DSHS must impose protective conditions for current residents, from 45 days to 60 days.

The duration for links to adult family home inspections, investigation reports, and enforcement actions to remain on the DSHS website is limited to the previous three years. DSHS must update the website as soon as reasonably feasible if a violation or enforcement remedy is deleted, rescinded, or modified, but no more than 30 days from the deletion, rescission, or modification. References to assisted living facilities are removed with respect to the website content. Rather than study the feasibility of providing vacancy information on its website, DSHS must include periodically updated information about vacancies in adult family homes or include links to other websites with that information.

The act is null and void if funding is not provided in the 2013-15 Omnibus Appropriations Act.