

HOUSE BILL REPORT

SSB 5877

As Reported by House Committee On:
Health Care & Wellness
Appropriations

Title: An act relating to adult family home due process.

Brief Description: Concerning due process for adult family home licensees.

Sponsors: Senate Committee on Health Care (originally sponsored by Senators O'Ban, Angel, Padden, Pearson, Rivers, Warnick and Darneille).

Brief History:

Committee Activity:

Health Care & Wellness: 3/20/15, 3/26/15 [DPA];
Appropriations: 4/6/15, 4/7/15 [DPA(HCW)].

**Brief Summary of Substitute Bill
(As Amended by Committee)**

- Requires the Department of Social and Health Services to commence a hearing no later than 60 days after receiving a request for a hearing from an adult family home regarding a license suspension, stop placement order, or conditions for continuation of a license, unless the parties agree to a delay.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass as amended. Signed by 14 members: Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier, Clibborn, Jinkins, Johnson, Moeller, Robinson, Rodne, Short, Tharinger and Van De Wege.

Staff: Chris Blake (786-7392).

Background:

Adult family homes are community-based facilities licensed to care for up to six individuals who need long-term care. These homes provide room, board, laundry, necessary supervision,

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and assistance with activities of daily living, personal care, and nursing services. Adult family homes are licensed by the Department of Social and Health Services (Department) and must meet facility standards as well as requirements for training resident managers and caregivers. Staff of adult family homes who are employed as long-term care workers must meet specific training requirements and, in some instances, become certified as home care aides. In addition, adult family homes must meet requirements related to care and service standards, food service, medications, quality of life, and building standards.

If an adult family home fails to comply with licensing requirements, operates without a license, knowingly makes a false statement on an application or in an investigation, or willfully prevents or interferes with any inspection or investigation, the Department may deny an application for a license, impose reasonable conditions on a license, impose civil penalties, order stop placement, or suspend or revoke a license. Sanctions related to the suspension of a license, a stop placement order, or conditions placed upon a license take effect immediately and continue pending a final administrative decision.

Summary of Amended Bill:

The Department of Social and Health Services must commence a hearing no later than 60 days after receiving a request for a hearing from an adult family home regarding a license suspension, stop placement order, or conditions for continuation of a license. The commencement of the hearing may be extended if the parties agree to an extension or the presiding officer finds good cause for an extension presented by either party. A hearing must be commenced no later than 120 days after it was requested.

Amended Bill Compared to Substitute Bill:

The amended bill eliminates the requirement that a hearing be held within 30 days of certain orders against an adult family home. A hearing must be commenced within 60 days of receiving a request from an adult family home for a hearing, unless extended by agreement of the parties or by the presiding officer. A hearing must be commenced no later than 120 days after the receipt of a request for a hearing.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This will improve due process for adult family homes. In 2012 the Adult Family Home Quality Assurance Panel recognized long delays in the appeals process as a hardship

for adult family homes and residents. It can sometimes take 12 to 18 months to get a hearing, during which time adult family homes cannot accept new residents or allow prior residents to return after a trip to the hospital. This bill assures residents will have resolution in a timely fashion.

(In support with concerns) Timely hearings are good for both businesses and clients. The 30-day requirement gives angst to some and there should be an amendment to allow for a timely hearing as well as time to prepare for the hearing.

(Neutral) This bill moves certain types of hearings to the front of the list which will likely result in an increase in the number of appeals. This will require additional resources.

(Opposed) None.

Persons Testifying: (In support) John Ficker, Washington State Residential Care Council.

(In support with concerns) Bill Moss, Department of Social and Health Services.

(Neutral) Jane Habegger, Office of Administrative Hearings.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Health Care & Wellness. Signed by 32 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Carlyle, Cody, Condotta, Dent, Dunshee, Fagan, Haler, Hansen, Hudgins, G. Hunt, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Magendanz, Pettigrew, Sawyer, Senn, Springer, Stokesbary, Sullivan, Taylor, Tharinger, Van Werven and Walkinshaw.

Staff: James Kettel (786-7123).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Health Care & Wellness:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill is intended to solve a problem identified by the Adult Family Home quality assurance panel, which made recommendations in a report to the Legislature in 2012. The problem is the amount of time that homes are in limbo before resolving a case during an administrative hearing. The fiscal note is not accurate. The striking amendment allows up to 60 days from the request of a hearing to achieve resolution. The assumption that the Office of Administrative Hearings will need to be involved during the early period of the case is inaccurate. There should actually be fewer citations and enforcement actions because leadership changes within Residential Care Services has provided greater technical assistance for homes.

(Opposed) None.

Persons Testifying: John Ficker, Washington State Residential Care Council.

Persons Signed In To Testify But Not Testifying: None.