

SENATE BILL REPORT

SB 5877

As of February 17, 2015

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

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

Sponsors: Senators O'Ban, Angel, Padden, Pearson, Rivers, Warnick and Darneille.

Brief History:

Committee Activity: Health Care: 2/17/15.

SENATE COMMITTEE ON HEALTH CARE

Staff: Kathleen Buchli (786-7488)

Background: Adult family homes are regular neighborhood homes where staff assumes responsibility for the safety and wellbeing of the adult. A room, meals, laundry, supervision, and varying levels of assistance with care are provided. Some provide occasional nursing care. Some offer specialized care for people with mental health issues, developmental disabilities or dementia. The home can have two to six residents and is licensed by the Department of Social and Health Services (DSHS).

As part of this licensing, DSHS may take action against an adult family home provider if it finds that the provider has failed to comply with statutory requirements or otherwise interfered with DSHS' regulation of the adult family home. Actions DSHS may take include refusing to issue a license; imposing conditions on the license or limiting the types of clients the adult family home may admit; imposing civil penalties; suspending a license; or imposing stop-placement orders on the adult family home. Orders from DSHS imposing license suspension, stop placement, or conditions on licenses are effective immediately upon notice and must continue pending a final administrative decision.

Summary of Bill: Adult family home licensees may apply for a stay of any order before the final decision.

Appropriation: None.

Fiscal Note: Requested on February 11, 2015.

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.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: These licensees are entitled to due process. This bill removes a provision in the Washington Administrative Code that is overreaching and does not meet the legislative intent of the authorizing statute in the Revised Code of Washington. In determining whether a stay should be permitted, an administrative law judge will consider the safety of residents of adult family homes. It can take months for DSHS to come to a final decision and this wait negatively impacts the adult family home provider. This bill will not result in harm to residents.

OTHER: We are concerned that this will put residents at risk. Suspension means a life-threatening event has occurred at the adult family home. A better approach would be to require an expedited hearing and require the hearing to be within 30 to 60 days of the order.

Persons Testifying: PRO: John Ficker, WA State Residential Care Council; Sangeeta Saigal, WA State Residential Care Council; Bartha Cupernall, citizen.

OTHER: Bill Moss, DSHS.