

# SENATE BILL REPORT

## SSB 5877

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As Amended by House, April 14, 2015

**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: 2/17/15, 2/19/15 [DPS].

Passed Senate: 3/04/15, 48-0.

Passed House: 4/14/15, 97-0.

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### SENATE COMMITTEE ON HEALTH CARE

**Majority Report:** That Substitute Senate Bill No. 5877 be substituted therefor, and the substitute bill do pass.

Signed by Senators Becker, Chair; Dammeier, Vice Chair; Frockt, Ranking Minority Member; Angel, Bailey, Brown, Cleveland, Conway, Jayapal, Keiser, Parlette and Rivers.

**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.

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*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.*

**Summary of Substitute Bill:** DSHS must hold a hearing within 30 days of issuance of an order imposing license suspension, stop placement, or conditions on licenses.

**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: 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.

**House Amendment(s):** Rather than requiring a hearing to be held within 30 days of certain orders against an adult family home, a hearing must occur within 60 days of a hearing. Establishes a maximum of 120 days for the hearing to occur following the receipt of a request for a hearing. The parties may agree that the time for the hearing be extended, but it must be held within 120 days of the hearing request.