
Health Care & Wellness Committee

HB 1492

Brief Description: Equalizing civil monetary penalties for assisted living facilities with other long-term care providers.

Sponsors: Representatives Tharinger, Harris, Cody, Macri and Appleton.

Brief Summary of Bill

- Directs the Department of Social and Health Services to adopt rules to specify criteria for imposing incrementally more severe civil penalties against assisted living facilities.
- Authorizes civil penalties up to \$3,000 per incident for violations of assisted living facility standards and up to \$10,000 for operating an assisted living facility without a license.

Hearing Date: 2/10/17

Staff: Chris Blake (786-7392).

Background:

The Department of Social and Health Services (Department) licenses assisted living facilities which are community-based residences that provide housing and basic services to seven or more residents. Residents of assisted living facilities are generally adults who require support and supervision. Each assisted living facility provides a different set of services, but generally include housekeeping, meals, laundry, activities, assistance with activities of daily living, health support services, and intermittent nursing services.

The Department may take regulatory action against an assisted living facility for violations of licensing and inspection standards and requirements. Actions may include refusing to issue or renew a license, imposing conditions on a license, imposing civil penalties up to \$100, suspending or revoking a license, suspending admissions through a stop placement order, or suspending admission of a specific category of residents through a stop placement order.

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.

Receipts from civil penalties must be deposited in the Assisted Living Facility Temporary Management Account (Account). Funds from the Account may be used for the payment of relocating residents to other facilities, payment to maintain the operation of an assisted living facility pending correction of deficiencies or closure, and reimbursement to residents for personal funds or property that has been lost or stolen.

Summary of Bill:

The \$100 limit on civil penalties against assisted living facilities for violations of licensing and inspection requirements is changed to a \$100 minimum civil penalty.

By January 1, 2018, the Department of Social and Health Services must adopt rules to specify criteria for imposing incrementally more severe penalties upon an assisted living facility for violations that are serious, recurring, uncorrected, pervasive, or present a threat to the health, safety, or welfare of a resident. Civil penalties for violations of assisted living facility licensing statutes and rules may not exceed \$3,000 for each incident. Each day in which a substantially similar action occurs is a separate penalty. Penalties for the operation of an assisted living facility without a license may not exceed \$10,000.

In addition to other permitted uses, the Assisted Living Facility Temporary Management Account may be used for the protection of the health, safety, welfare, and property of residents of assisted living facilities that are not compliant with licensing standards.

Appropriation: None.

Fiscal Note: Available.

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