

HOUSE BILL REPORT

SHB 1671

As Passed Legislature

Title: An act relating to assistance with activities of daily living.

Brief Description: Concerning assistance with activities of daily living.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Harris and Tharinger; by request of Department of Social and Health Services).

Brief History:

Committee Activity:

Health Care & Wellness: 2/10/17, 2/17/17 [DPS].

Floor Activity:

Passed House: 2/27/17, 96-0.

Passed Senate: 4/10/17, 48-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Adds medication assistance to the definition of "activities of daily living" for purposes of the law regulating assisted living facilities.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier, Clibborn, DeBolt, Harris, Jinkins, MacEwen, Maycumber, Riccelli, Robinson, Rodne, Slatter, Stonier and Tharinger.

Staff: Alexa Silver (786-7190).

Background:

Assisted Living Facilities.

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.

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 people who live in the facility for reasons of age or disability and receive services provided by the facility. Assisted living facilities may not admit people who require nursing home or hospital level care or the frequent presence or evaluation of a registered nurse. Services provided to residents include housekeeping, meals, laundry, and activities. They may also provide domiciliary care, including assistance with activities of daily living, health support services, and intermittent nursing services. An assisted living facility license is required when any person (other than a family member or an outside service provider) provides assistance with activities of daily living.

If an assisted living facility chooses to provide assistance with activities of daily living, it must provide the minimum level of assistance required by rule. The assisted living facility must clarify through a disclosure form the activities of daily living that may be provided and any limitations that may apply. In providing assistance with activities of daily living, the facility must observe the resident for changes in functioning and respond appropriately to changes in the resident's physical, mental, or emotional functioning.

"Activities of daily living" are limited to bathing, dressing, eating, personal hygiene, transferring, toileting, and ambulation and mobility.

Medication Assistance.

The Legend Drug Act defines "medication assistance" as assistance by a nonpractitioner to an individual living in a community-based or in-home care setting to facilitate the individual's self-administration of a legend drug or controlled substance. The term includes reminding or coaching the individual, handing the individual the medication container, opening the container, using an enabler, or placing the medication in the individual's hand. It does not include assistance with intravenous or injectable medications other than prefilled insulin syringes.

Summary of Substitute Bill:

For purposes of the law regulating assisted living facilities, "activities of daily living" means the following self-care activities related to personal care: medication assistance, bathing, dressing, eating, personal hygiene, transferring, toileting, and ambulation and mobility.

Appropriation: None.

Fiscal Note: Available.

Effective Date: 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 corrects a misalignment between the current law on assisted living facilities and the law on who must take long-term care worker training. The vast majority of

assisted living facilities provide some assistance with activities of daily living, like bathing, toileting, and eating. According to the long-term care training laws, it also includes medication assistance. Those laws require five hours of orientation and safety training and 70 hours of basic training, so there is consistent training across settings. Some facilities maintain that their providers only provide medication assistance and that they are not required to take the training, but the Department of Social and Health Services thinks this is a bad idea because of the impact on residents' health. It is important for anyone who provides medication assistance to attend this training.

(Opposed) None.

Persons Testifying: Bill Moss, Department of Social and Health Services.

Persons Signed In To Testify But Not Testifying: None.