

HOUSE BILL REPORT

ESHB 2381

As Passed House:
February 12, 2018

Title: An act relating to allowing certain adult family homes to increase capacity to eight beds.

Brief Description: Allowing certain adult family homes to increase capacity to eight beds.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Macri, Cody, Tarleton, Santos, Johnson, McBride, Muri, Tharinger, Robinson, Valdez, Stanford, Reeves, Appleton, Harris and Stonier).

Brief History:

Committee Activity:

Health Care & Wellness: 1/16/18, 1/23/18 [DPS];
Appropriations: 2/1/18, 2/6/18 [DPS(HCW)].

Floor Activity:

Passed House: 2/12/18, 97-1.

Brief Summary of Engrossed Substitute Bill

- Allows adult family homes to increase their bed capacity from six to eight beds if they meet specified licensing standards.

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: Chris Blake (786-7392).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by 33 members: Representatives

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.

Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Buys, Caldier, Cody, Condotta, Fitzgibbon, Graves, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Manweller, Pettigrew, Pollet, Sawyer, Schmick, Senn, Springer, Stanford, Sullivan, Taylor, Tharinger, Vick, Volz and Wilcox.

Staff: Mary Mulholland (786-7391).

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, 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 and must meet facility standards as well as training requirements for resident managers and caregivers. An adult family home may only admit residents whose needs and preferences the home is able to meet through available staff and reasonable accommodations. Each resident must receive identified care and services in a manner and environment that supports, maintains, or improves the resident's quality of life. The services must be provided by appropriate professionals based upon the resident's assessment and negotiated care plan.

Summary of Engrossed Substitute Bill:

An adult family home provider may increase the home's bed capacity to seven or eight beds. A provider may apply for a license to operate with seven or eight beds if:

- the provider has held the initial adult family home license for at least 24 months;
- the home has been licensed for six residents for at least 12 months;
- the provider has completed two full inspections without any enforcement actions;
- the provider attests that an increase will not adversely affect the health, safety, or quality of life of the home's current residents;
- the home is in compliance with Department of Social and Health Services (Department) rules regarding emergency evacuation or, alternatively, the home installs an automatic fire sprinkler system; and
- the provider has paid any required fees.

The fee for an application to increase the bed capacity of an adult family home is set at \$453.

The increase in bed capacity is permissible if the provider demonstrates financial solvency and management experience for the home. In addition, the provider must be able to meet safety, health, and operating standards related to the operation of a seven- or eight-bed adult family home, including the mitigation of potential traffic impacts. The Department must also consider comments related to quality of care and quality of life from current residents, as well as their views on adding more residents to the home.

The Department shall provide written notification to the local jurisdiction in which the adult family home is located regarding the applicant's request to increase bed capacity. In addition, the Department shall conduct an inspection of the home prior to issuing a license to

determine if the home is able to meet the needs of eight residents. The Department may reduce the maximum number of beds to six if there has been serious noncompliance with licensing standards.

To change ownership of a seven- or eight-bed adult family home, the new provider must be a provider of an adult family home that has been licensed for at least 24 months and have had six residents for at least 12 months. In addition, the adult family home must have completed two full inspections that have not resulted in any enforcement actions.

An adult family home that applies for an increase in capacity up to eight beds must notify all residents and their designated guardians about the increase at least 60 days prior to admitting a seventh resident. The notice must be in writing in a manner or language understood by the residents and their designated representatives.

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 (Health Care & Wellness):

(In support) The bill intends to expand long-term care resources and maintain quality, individualized care. This bill deals with the reality that, while small homes are ideal, many people are stuck in hospitals and other institutions. There is a challenge in finding enough beds in the community. This bill recognizes the need to expand capacity and does it in a thoughtful way with a high bar for those who are eligible to expand. Only experienced providers would be eligible for the expansion using the same criteria for those applying to own multiple homes. The homes would need to have adequate square footage, the appropriate number of bathrooms, and adequate common space. The bill does not change the requirement to meet the residents' assessed needs.

(Opposed) People with developmental disabilities are shown to do better in smaller settings. People with developmental disabilities use adult family homes and larger adult family homes will not be as beneficial to them. People want an environment that they can make their own. While there needs to be an expansion of care providers, it should be done through higher salaries, rather than allow more people into adult family homes.

(Other) There are concerns about the residents currently living in the home. There should be greater scrutiny to ensure that the adult family home can meet the needs of two additional residents. An inspection should be required after the seventh or eighth resident is admitted to the home to make sure that the home is safe, providing quality care, and meeting the quality of life needs of the residents. There needs to be a process to govern the sale of an eight-bed home to assure that the new owner is qualified. Expanding to eight residents looks like more of a commercial venture than a residential one.

While there is a great need for adult family homes, there is a concern about increasing the number of people in homes that do not have sprinklers. Without sprinklers in homes there is a greater risk to both residents and fire fighters. Adult family homes have vulnerable residents who might not be capable of self-evacuation. There should be a requirement that there be residential sprinklers in adult family homes that have increased their number of residents.

Staff Summary of Public Testimony (Appropriations):

(In support) Seasoned Adult Family Home (AFH) providers will be eligible to add a seventh or eighth bed. These providers are eligible under current rule to open a second AFH. The proposal will increase capacity to serve AFH clients and is cost-effective. The provider fee will fully cover the cost of supporting the Department of Social and Health Services workload.

(Opposed) There is a great need for AFH services, but fire service professionals are concerned that increasing the numbers of residents in homes that do not have residential sprinkler systems will put residents and firefighters at risk. Residents are vulnerable members and may not be capable of self-evacuation in the event of a fire. There were recent incidents in long-term care settings in Olympia in which sprinklers prevented death or injury. A provision should be added around residential sprinkler systems for AFHs that add a seventh or eighth bed.

Persons Testifying (Health Care & Wellness): (In support) Representative Macri, prime sponsor; and John Ficker, Adult Family Home Council.

(Opposed) Diana Stadden, The Arc of Washington; and Cheryl Monk, Self Advocates in Leadership.

(Other) Bill Moss, Aging and Long Term Support Administration; Patricia Hunter, Washington Long Term Care Ombuds; Robert Bradley, Washington Association of Fire Marshals; and Amy Brackenbury, Washington Association of Building Officials.

Persons Testifying (Appropriations): (In support) Maria Chiechi, Adult Family Home Council.

(Opposed) Robert Bradley, Washington State Association of Fire Marshals and Fire Chiefs.

Persons Signed In To Testify But Not Testifying (Health Care & Wellness): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.