
Health Care & Wellness Committee

HB 2750

Brief Description: Concerning quality in assisted living facilities.

Sponsors: Representatives Tharinger, Johnson, Cody, Stonier, Slatter, Robinson, Jinkins, Appleton, Muri and Gregerson.

Brief Summary of Bill

- Creates the Assisted Living Facility Quality Council to make recommendations on measuring quality, providing consumer information, and reporting value related to assisted living facilities.
- Establishes the Assisted Living Facility Quality Measurement Program to provide information to consumers about 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: 1/24/18

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,

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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. 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:

Assisted Living Facility Quality Council.

The Assisted Living Facility Quality Council (Council) is established. The Council must make recommendations on measuring quality, providing consumer information, and reporting value. The Council has the following seventeen members:

- two members of the House of Representatives;
- two members of the Senate;
- the Assistant Secretary for the Aging and Long-Term Supports Administration;
- a representative of the Office of the State Long-Term Care Ombuds;
- a representative of the Office of Developmental Disabilities Ombuds;
- a representative of the State Protection and Advocacy Program;
- a representative of the Washington State Developmental Disabilities Council;
- a representative of the Governor;
- two representatives of organizations that represent assisted living facilities in Washington;
- a person with expertise in serving persons with mental health needs in an institutional setting;
- a person with expertise in serving persons with various forms of dementia;
- a health care provider with experience caring for geriatric patients;
- a representative of an organization that represents persons with Alzheimer's disease; and
- a representative of an organization that provides consumer advocacy services related to senior and aging issues.

The Council must submit an interim report to the Governor and the Legislature by December 1, 2018 and a final report by December 1, 2019. The final report must include recommendations related to:

- quality measures for all assisted living facilities;
- monitoring and tracking performance;
- providing information to consumers;
- incorporating quality measures into Medicaid rates;
- data metrics for assisted living facilities to report to the Department of Social and Health Services (Department);
- reporting of data; and
- the merits of a quality incentive payment program.

Assisted Living Facility Quality Measurement Program.

The Assisted Living Facilities Quality Measurement Program (Program) is established in the Department. The Program must provide staffing support to the Council and information to consumers about assisted living facilities. The consumer information shall include information related to site visits, inspection and complaint investigation reports, and licenses and citations issued by the Department. The Program must submit an implementation report to the Governor and the Legislature by November 1, 2020 and an update by November 1, 2022.

Civil Penalties.

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.

Civil penalties up to \$3,000 per incident are established for violations of assisted living facility licensing statutes and rules. Each day in which a substantially similar action occurs is a separate penalty. Penalties up to \$10,000 are established for the operation of an assisted living facility without a license.

The Department must adopt a method for determining appropriate sanctions to respond to deficiencies according to the severity and scope of the deficiencies. The method shall include a tiered sanction grid to use when determining civil fines. The sanction grid must consider the extent of harm and the regularity of the occurrence.

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.

Findings.

Legislative findings are made regarding the quality of Washington's long-term services and supports system, the need for consumers to have access to information about assisted living facilities, the need for more data on the quality of care provided to residents of assisted living facilities who are Medicaid clients, the availability of information related to nursing homes and adult family homes, and the need for assisted living facilities to be held accountable for their residents.

Appropriation: None.

Fiscal Note: Requested on January 16, 2018.

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