

# SENATE BILL REPORT

## ESHB 1023

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As of February 24, 2020

**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, Harris, Cody, MacEwen, Pollet, DeBolt, Springer, Kretz, Appleton, Caldier, Slatter, Vick, Stanford, Fitzgibbon, Riccelli, Robinson, Kloba, Valdez, Ryu, Tharinger, Jinkins, Wylie, Goodman, Bergquist, Doglio, Chambers, Senn, Ortiz-Self, Stonier, Frame, Ormsby and Reeves).

**Brief History:** Passed House: 2/07/19, 96-0; 1/16/20, 96-0.

**Committee Activity:** Health & Long Term Care: 2/21/20.

### Brief Summary of Bill

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

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

**Staff:** LeighBeth Merrick (786-7445)

**Background:** An adult family home is a residential home that provides personal care, specialty care, necessary supervision, laundry, and room and board for up to six adults who need long-term care.

Adult family homes are licensed by the Department of Social and Health Services (DSHS) and must meet facility standards and 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.

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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 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 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 DSHS rules regarding emergency evacuation;
- the home has a residential sprinkler system in place for residents who require assistance during an evacuation; and
- the provider has paid any required fees.

The home must demonstrate financial solvency and the ability to meet safety, health, and operating standards related to the operation of a eight bed adult family home, including the ability to meet the needs of all current and prospective residents and mitigation of potential traffic impacts. DSHS must consider current residents' comments related to quality of care, quality of life, and their views on adding more residents to the home.

DSHS must provide written notification to the local jurisdiction in which the adult family home is located regarding the applicant's request to increase bed capacity, 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, and charge the home a nonrefundable fee to increase their bed capacity. DSHS 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 at least six residents for at least 12 months. The adult family home must have also completed at least two full inspections, the most recent two inspections must not have resulted in any enforcement actions.

The adult family home must notify all residents and their designated representatives about the increase in licensed beds at least 60 days prior to admitting a seventh resident. The notice must be in writing and in a manner or language understood by the residents and their designated representatives.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Adult family homes play a critical role in providing long-term care to individuals with complex medical conditions. There is a growing demand for more adult family home beds with the age wave, closure of nursing

homes, lack of affordable housing and patients stuck in the hospital. This bill has been well worked over the last three years. It was carefully crafted with input from DSHS, Long-Term Care Ombuds, and Fire Marshals. It added a lot of safety features and assurances of good performance of the home. Existing adult family homes have long waiting lists. This would expand capacity and help increase wages for caregivers. The increased capacity would also allow homes to increase their infrastructure and provide more enrichment activities to residents.

**Persons Testifying:** PRO: Representative Nicole Macri, Prime Sponsor; John Ficker, AFH Council; Amelia Hertog, Angelwings AFH LLC; Robert Clark, Clark Residence Inc; Madonna Maxaner-Radcliff, Dayspring Memory Care LLC.

**Persons Signed In To Testify But Not Testifying:** No one.