

SENATE BILL REPORT

ESHB 2890

As Reported by Senate Committee On:
Local Government, February 25, 2020

Title: An act relating to boarding homes.

Brief Description: Concerning boarding homes.

Sponsors: House Committee on Local Government (originally sponsored by Representative MacEwen).

Brief History: Passed House: 2/14/20, 94-4.

Committee Activity: Local Government: 2/25/20, 2/25/20 [DPA, w/oRec].

Brief Summary of First Substitute Bill

- Allows counties to authorize boarding homes in areas zoned for residential or commercial use.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended.

Signed by Senators Takko, Chair; Short, Ranking Member; Honeyford and Lovelett.

Minority Report: That it be referred without recommendation.

Signed by Senator Salomon, Vice Chair.

Staff: Greg Vogel (786-7413)

Background: Long-Term Care Residences. There are various types of homes or facilities where a person can live and get care services in a residential setting. If state funds are used to pay for care, through Medicaid, the home or facility must be licensed by the state and accept Medicaid payment for residents.

Long term residential care options include:

- state licensed:
 - nursing home;
 - adult family homes; and

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.

- assisted living facilities; and
- non-state licensed:
 - retirement communities/independent living facilities; and
 - continuing care retirement communities.

Nursing Homes. Nursing homes provide 24-hour supervised nursing care, personal care, therapy, nutrition management, organized activities, social services, room, board, and laundry.

The federal agency that has oversight for state certification of nursing facilities is the Center for Medicare and Medicaid Services. The state agency responsible for licensing and oversight is the Department of Social and Health Services (DSHS). Federal law requires DSHS to conduct an unannounced full health survey or inspection at least every 15 months.

Adult Family Homes. Adult family homes are neighborhood homes where staff assumes responsibility for the safety and well-being of the adult. Housing, meals, laundry, supervision and varying levels of assistance with care are provided. Some adult family homes provide occasional nursing care or offer specialized care for people with mental health issues, developmental disabilities or dementia. A home can have two to six residents and is licensed by the state.

Assisted Living Facilities. Assisted living facilities are facilities in a community setting where staff assumes responsibility for the safety and well-being of the adult. Housing, meals, laundry, supervision, and varying levels of assistance with care are provided. Some facilities provide nursing care or offer specialized care for people with mental health issues, developmental disabilities, or dementia. The facility can have seven or more residents and is licensed by the state.

Retirement Communities/Independent Living Facilities. Retirement communities and independent living facilities are a type of housing exclusively for adults (normally 55 or older). The person is generally healthy and any medical or personal care can be provided by visiting nurses or a home health aide. Staff at a retirement community does not take on the general responsibility for the safety and well-being of the adult.

Retirement communities vary from large scale, single family home developments to smaller-scale, senior houses or apartments.

The state does not license retirement communities.

Continuing Care Retirement Community. A continuing care retirement community (CCRC) is a residential community for adults that offers a range of housing options, such as independent living through nursing home care, and varying levels of medical and personal care services. A CCRC is designed to meet a resident's needs in a familiar setting as the resident grows older.

A CCRC resident is required to sign a long-term contract that provides for housing, personal care, housekeeping, yard care and nursing care. This contract may involve either an entry fee or buy-in fee in addition to monthly service charges, which may change according to the

medical or personal care services required. Fees vary depending on whether the person owns or rents the living space, its size and location, the type of service plan selected, and the current risk for need of intensive long-term care.

The state does not license CCRCs.

Enhanced Services Facilities. Enhanced services facilities (ESF) are licensed residential facilities that provide a community placement option for individuals whose personal care and behavioral needs do not rise to a level that requires an institutional setting. Individuals are referred to an ESF if they are coming out of state or community psychiatric hospitals, or have no other placement option due to their behavioral, medical, chemical dependency, or mental health needs. These facilities offer behavioral health, personal care services and nursing, at a level of intensity that is not generally provided in other licensed long-term care settings.

Home Health Agencies. Home health agencies are persons licensed to administer or provide home health, home care, hospice services, or hospice care center services directly or through a contract arrangement to individuals in a place of temporary or permanent residence. Home health care through an agency must be authorized by a doctor and home health care agencies are licensed by the state.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): Counties may authorize boarding homes to be located in an area zoned for residential or commercial use. Counties may impose zoning and other conditions on the establishment and maintenance of a boarding home, including restrictions on the number of residents.

A boarding home is a residence or other institution located in a residential zone that provides transportation, and basic services for up to 16 unrelated permanent boarders, at least 80 percent of whom are 55 years of age or older, in exchange for a fee or charge, and which assumes general responsibility for the safety and wellbeing of the boarders.

A boarding home must be designed to provide supportive services to enable boarders to live independently or semi-independently. Boarders shall be provided with a combination of meals, social activities, and transportation services depending on needs.

If personal care, health care, or any combination of these are needed, these services will be set up independently by the boarder with an independent agency or caregiver not associated with the boarding home operator.

A boarding home is not an adult family home, an assisted living facility, an enhanced services facility, or any other residential services facility licensed by DSHS.

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 on First Substitute: PRO: The striking amendment clarifies issues raised by state agencies, and the department would support the bill as amended. The bill is permissive for counties and provides flexibility for counties to set parameters around these homes.

The bill provides certainty and predictability to those creating healthy living for our aging population. We believe lives should continue to get better and partners be able to stay together. Current facilities can separate partners and are quite expensive. This is a simple concept using a residential model and allows counties to do what is right for their communities.

CON: We are concerned about requirements of density in rural areas. We think this bill will create a conflict that will invite litigation long term. If the home is within the urban area, we might be able to move forward. We would like to draw the line to urban unincorporated areas.

Persons Testifying: PRO: Representative Drew MacEwen, Prime Sponsor; Candace Goehring, Aging and Long Term Support Administration /Residential Care Services; Kelly Watson, Estate Living Gig Harbor; Marie Sullivan, Estate Living Gig Harbor.

CON: Bryce Yadon, Futurewise.

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