

# SENATE BILL REPORT

## SB 5606

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As Reported by Senate Committee On:  
Health & Long Term Care, January 26, 2022

**Title:** An act relating to expanding the use of air conditioning in adult family homes.

**Brief Description:** Expanding the use of air conditioning in adult family homes.

**Sponsors:** Senators Mullet, Conway, Hunt, Keiser and Randall.

**Brief History:**

**Committee Activity:** Health & Long Term Care: 1/24/22, 1/26/22 [DPS-WM].

**Brief Summary of First Substitute Bill**

- Appropriates \$5 million for the Department of Social and Health Services (DSHS) to establish a grant program for Medicaid-funded adult family homes to use for one-time costs associated with equipping the home with portable air conditioners or updating their heating, ventilation, and air conditioning system to include air conditioning.
- Requires DSHS to report to the Legislature the number of homes with air conditioning.
- Requires applicants for a new adult family home license to have air conditioning, beginning July 1, 2024.

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

**Majority Report:** That Substitute Senate Bill No. 5606 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Cleveland, Chair; Frockt, Vice Chair; Muzzall, Ranking Member; Conway, Keiser, Padden, Randall, Rivers, Robinson, Sefzik and Van De Wege.

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

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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 part of the legislation nor does it constitute a statement of legislative intent.*

**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 eight adults who need long-term care. The Department of Social and Health Services (DSHS) licenses and regulates adult family homes. The adult family homes must meet facility standards, which include ensuring that the maximum and minimum temperature of any room used by a resident is comfortable for the resident and does not compromise the resident's health and safety. At a minimum, room temperatures must be kept at 68 degrees Fahrenheit or more during waking hours and 60 degrees Fahrenheit or more during sleeping hours. There are about 3600 licensed adult family homes in Washington and approximately 300 new adult family homes licensed each year.

From June 26 to July 2, 2021, Washington State experienced record breaking heat. In August 2021, DSHS reported on how this extreme heat impacted long-term care residents. The report found during June 26 to August 10, 2021 there were 95 heat-related deaths in Washington State. Six of these deaths were long-term care residents: three adult family home residents, two assisted living facility residents, and one nursing home resident. All six of these deaths were caused by heat stroke occurring between June 28 and June 29, 2021. In response to this, DSHS is increasing training opportunities for long-term care staff to learn about working with residents during a heat wave.

**Summary of Bill (First Substitute):** An appropriation of \$5 million is made to DSHS to establish a grant program to expand the use of air conditioning in adult family homes that serve individuals whose services are funded through Medicaid or state funded long-term care programs. An adult family home may receive up to \$5,000 in grant funds to use to equip and install portable air conditioning units in resident's bedrooms and common areas, or updating the home's heating, ventilation, and air conditioning (HVAC) system to include air conditioning. DSHS must verify the grant was used appropriately at the inspection immediately following the home's receipt of the grant.

By December 1, 2023, DSHS must include a survey of each adult family home's air conditioning capabilities during their regular inspection of the home and report their survey findings to the Legislature. The report must break out their findings by the number of homes using portable air conditioning, the number of homes with air conditioning as part of the home's HVAC system, and whether the home is private pay or publicly funded, and include recommendations for increasing the number of homes with air conditioning.

Applications for a new adult family license received on or after July 1, 2024, must demonstrate that the home has air conditioning or another cooling system. DSHS must consult with consumers, advocates, and organizations representing adult family homes when implementing this requirement.

**EFFECT OF CHANGES MADE BY HEALTH & LONG TERM CARE COMMITTEE (First Substitute):**

- Clarifies that the requirement for newly licensed adult family homes to have air conditioning only applies to applications received by DSHS on or after July 1, 2024.
- Allows the use of other cooling systems to meet the air conditioning requirement for newly licensed adult family homes.

**Appropriation:** The bill contains an appropriation totaling \$5,000,000 from the general fund.

**Fiscal Note:** Available.

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

**Effective Date:** The bill contains several effective dates. Please refer to the bill.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: During last summer's heat dome, local firefighters responded to calls from adult family homes where the elderly residents were impacted by heat. The summers are getting warmer and many adult family homes don't have AC. This bill lets the state partner with adult family homes to provide them with up to \$5,000 to help homes get AC where residents are sleeping and congregating. The bill also includes a requirement for new adult family homes to have air conditioning since they are housing vulnerable individuals. Keeping adult family homes cool enough for all of the residents is a challenge. Adult family homes would not be able to address this challenge if it weren't for the funding this bill provides. Additionally, the requirement for DSHS to measure the homes with air conditioning will help us assess what the true needs are. We request clarifying the language around the requirement for newly licensed homes to have AC. Specifying that the requirement only applies to applications received on or after July 1, 2024 will help clarifying the timing of the requirement and allowing for other cooling systems will ensure that alternative cooling systems, such as heat pumps, are not excluded from meeting the requirement.

**Persons Testifying:** PRO: Senator Mark Mullet, Prime Sponsor; John Ficker, Adult Family Home Council.

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