

HOUSE BILL REPORT

SSB 5285

As Reported by House Committee On:
Human Services

Title: An act relating to residential services and support enforcement standards.

Brief Description: Concerning residential services and support enforcement standards.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senator Keiser; by request of Department of Social and Health Services).

Brief History:

Committee Activity:

Human Services: 2/21/08, 2/26/08 [DP].

Brief Summary of Substitute Bill

- Authorizes the Department of Social and Health Services (DSHS) to impose sanctions upon providers of services for all residential programs where the provider who has contracted with the DSHS has failed to comply with statutory and contractual requirements.
- Decreases from \$150 to \$100 the maximum per day per violation monetary sanctions that the DSHS may impose for ongoing violations.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 8 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey, Darneille, McCoy and O'Brien.

Staff: Linda Merelle (786-7092).

Background:

The Division of Developmental Disabilities (Division) within the Department of Social and Health Services (DSHS) provides programs to assist persons who have a developmental disability. Available services address specific needs and specific persons served by the

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Division. By way of example, the Division offers, among others, the following programs and services:

- **Alternative Living Services:** instructional services which focus on individualized training to enable persons to live independently with minimal residential services;
- **Individual and Family Services Program:** assists families caring for a family member living at home with a developmental disability by providing services such as respite care, architectural and vehicular modifications, transportation, training, and counseling;
- **Supported Living Services:** offers instruction and support to persons who live in their own homes in the community; and
- **Community Protection Program:** provides intensive 24-hour supervision for clients who have committed crimes and who, as a result, have been identified as posing a risk to their community. The services provided in this program offer an opportunity for the participants to live successfully in the community and continue to remain out of the criminal justice system.

In 2006 the Legislature passed SB 6630 which created the Community Protection Program, one of the programs now offered by the Division. That legislation authorized the DSHS to take enforcement actions; i.e. impose sanctions upon service providers who contracted with the DSHS when those providers failed to meet statutory and contractual requirements. The DSHS may impose sanctions if it finds that a provider has: (1) failed or refused to comply with the requirements of the statute or rules adopted pursuant to the statute; (2) failed or refused to cooperate with the certification process; (3) prevented or interfered with a certification, inspection, or investigation by the DSHS; (4) failed to comply with requirements regarding vulnerable adults; or (5) made a false statement, knowingly or with reason to know, regarding certification or contracting with the DSHS or other matter under investigation by the DSHS.

The DSHS may impose the following sanctions: (1) decertify or refuse to renew the certification of a provider; (2) impose conditions on a provider's certification status; (3) suspend DSHS referrals to the provider; or (4) require a provider to implement a plan of correction and to cooperate with subsequent monitoring of the provider's progress.

If a provider fails to implement a plan of correction, as directed by the DSHS, or fails to cooperate with subsequent monitoring, the DSHS may impose a financial penalty per day per violation in civil penalties.

As written, the 2006 legislation appeared to authorize the DSHS to impose sanctions only upon those who provided services under the Community Protection Program, rather than all of the programs for which service providers may contract.

Summary of Bill:

The companion to this bill (HB 1246) was heard by this committee during the 2007 session. This bill modifies the current statute to authorize the DSHS to take enforcement action against all providers with whom the DSHS has contracted to provide residential services and support to clients with developmental disabilities, not just those who provide services under the Community Protection Program. The bill also modifies the maximum per day penalty that the DSHS may impose, reducing it from \$150 to \$100 per violation per day.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) There was the intent when the bill was passed to have it apply to all residential service providers. As the law is currently codified, the DSHS can only carry out enforcement based upon client type rather than client provider. This bill will expand and re-codify the existing law so that enforcement can be carried out for all providers for the community, not just those for the Community Protection Program.

(Opposed) None.

Persons Testifying: Joyce Stockwell, Department of Social and Health Services.

Persons Signed In To Testify But Not Testifying: None.