

HOUSE BILL REPORT

HB 1701

As Reported by House Committee On:
Health Care & Wellness
Appropriations Subcommittee on Health & Human Services

Title: An act relating to the enactment of the Engrossed Substitute House Bill No. 1277 adult family home quality assurance panel

Brief Description: Implementing recommendations of the adult family home quality assurance panel.

Sponsors: Representatives Moeller, Angel, Tharinger and Pollet.

Brief History:

Committee Activity:

Health Care & Wellness: 2/19/13, 2/22/13 [DPS];

Appropriations Subcommittee on Health & Human Services: 2/25/13 [DP2S(w/o sub HCW)].

Brief Summary of Second Substitute Bill

- Requires each adult family home to disclose the scope of available personal care and medication services, the scope of skilled nursing services or nurse delegation provided, and other information about the home.
- Requires the Department of Social and Health Services (Department) to review the adequacy of specialty training courses for meeting the demands of residents with special needs.
- Requires the Department to impose conditions on certain adult family homes if regulatory violations have not been corrected within 60 days of the issuance of a stop placement order.
- Requires the Department to develop a user-friendly website that includes provider specialties, vacancy rates, and other key information about adult family homes.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

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.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Cody, Chair; Jinkins, Vice Chair; Angel, Clibborn, Green, Moeller, Morrell, Riccelli, Tharinger and Van De Wege.

Minority Report: Do not pass. Signed by 6 members: Representatives Schmick, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Manweller, Rodne, Ross and Short.

Staff: Chris Blake (786-7392).

Background:

Adult Family Home Licensing.

Adult family homes are community-based facilities licensed to care for up to six individuals who need long-term care. These homes provide room, board, laundry, necessary supervision, and assistance with activities of daily living, personal care, and nursing services.

Adult family homes are licensed by the Department of Social and Health Services (Department). Adult family homes must meet facility standards as well as requirements for training resident managers and caregivers. Staff of adult family homes who are employed as long-term care workers must meet specific training requirements and, in some instances, become certified as home care aides.

The Department may designate adult family homes to provide specialty care for residents with developmental disabilities, mental illness, and dementia. To receive the specialty care designation, the adult family home provider, entity representative, resident managers, and caregivers must complete specialty care training and the home must ensure that the specialty care of each resident is met.

The Department may take any of several actions in the event that an adult family home fails to comply with licensing requirements. The Department may place conditions upon the home and its staff, impose civil penalties, suspend or revoke a license, or issue a stop placement order. In the event that a stop placement order is issued, all admissions to the home must be suspended until the Department has determined that violations have been corrected. The Department will revisit the adult family home within 15 days, or sooner if the violation poses a risk of harm to the well-being of any of the residents.

Adult Family Home Quality Assurance Panel.

In 2011 the Legislature passed Engrossed Substitute House Bill 1277 which directed the Department to convene a quality assurance panel to review problems in the quality of care in adult family homes and to reduce incidents of abuse, neglect, abandonment, and financial exploitation. The panel provided its report to the Governor and the Legislature in December 2012. The report included legislative recommendations, regulatory recommendations, and internal agency recommendations. The legislative recommendations relate to specialty designations for adult family homes with skilled nursing needs or traumatic brain injury, standardized disclosure forms, conditions for homes with stop placement orders, and citations for minor violations of adult family home rules.

Summary of Substitute Bill:

Adult Family Home Disclosures.

The Department of Social and Health Services (Department) must develop two standard disclosure forms for adult family homes to use. The first form must indicate the scope of available personal care and medication services, the scope of skilled nursing services or nurse delegation provided, any specialty care designations, the usual number of caregivers available during the day and if there are staff who are awake at night, accommodations of cultural or language needs, and whether the home admits Medicaid clients and if it retains residents who later become Medicaid-eligible. The second form must explain the adult family home's charges for care, services, and activities beyond its established daily or monthly rates.

Each adult family home must use the Department's forms to disclose the scope of care, services, and activities that it provides and the charges for those items. The disclosure must be given to residents and their representatives, prior to admission, and to prospective residents and their representatives, upon request.

If an adult family home reduces the scope of care, services, and activities that it provides due to circumstances beyond the home's control, it must give notice to residents and their representatives 30 days prior to the reduction. If a reduction in the scope of care, services, and activities is voluntary and will result in the discharge of any residents, the adult family home must give notice 90 days prior to the reduction. If an adult family home increases the scope of care, services, and activities that it provides, it must give notice to residents and their representatives and indicate the date on which the increase will become effective.

The Department must create a website for residents and prospective residents of adult family homes and their family members. The website must have links to pertinent information such as explanations of the types of long-term care facilities, levels of care, and specialty designations, lists of suggested questions when looking for a care facility, warning signs of abuse, neglect, or financial exploitation, and contact information for the Department and Long-Term Care Ombudsman. The website must also include links to adult family home and assisted living facility disclosure forms, recent inspections and investigation reports, and any enforcement actions. The Department must study the feasibility of including a searchable list of all adult family homes and assisted living facilities in Washington on the website.

Specialty Training.

Adult family home providers, resident managers, and caregivers that serve residents with special needs must receive specialty training necessary for long-term care workers and pass a standardized competency examination. The Department must review the adequacy of the specialty training courses, including the extent to which the curricula are standard and effective at evaluating students' success. The Department may adopt rules to enhance specialty training requirements for adult family home staff and management. The Department must also evaluate whether additional specialty training categories are needed for adult family homes with residents with other special needs such as traumatic brain injury, skilled nursing, or bariatric care.

Protective Conditions.

When the Department has issued a stop placement order for an adult family home for violations that are repeated, uncorrected, pervasive, or a threat to the health and safety of any residents, the Department must also impose conditions on the home's license to facilitate or accelerate compliance if the violation has not been corrected within 45 days of the stop placement order. The Department may also decide to impose conditions earlier than 45 days if it considers it necessary to protect the well-being of any residents.

De Minimis Violations.

If a nonrecurring violation that does not pose a significant risk of harm to any resident is noted by the Department during an inspection or investigation and is immediately corrected by the adult family home, the Department must record the violation, but not include it in the adult family home's inspection or investigation report.

Substitute Bill Compared to Original Bill:

The substitute bill requires the Department of Social and Health Services (Department) to develop a standardized disclosure form for each adult family home to use to state its charges for care, services, items, and activities, including charges not covered by the monthly or daily rates or by public programs.

The number of days that an adult family home under a stop placement order can be in violation before the Department must impose protective conditions for current residents is reduced from 60 days to 45 days.

The competency testing for caregivers in specialty training only applies to caregivers hired after the bill takes effect.

The requirement to include information about vacancies on the website is replaced with a Department study of the feasibility of including such information.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill represents an effort to appropriately address complaints about adult family homes. This bill makes the appropriate oversight over the homes easier and increases consumer information and awareness. The oversight of underperforming adult family homes will be increased by promoting prompter responses and protections for residents. This bill comes from a collaborative effort to improve the care of adult family homes. This bill will

look at the current specialty training and see if it can be made better. This bill is an important next step in improving the quality of care for residents in adult family homes. The consumer information provisions will make it easier for consumers to shop and find an adult family home. Not all referral agencies are reliable and this bill will give consumers a good, clear, unbiased source of information through disclosure forms and a website. The proposed substitute bill will reduce the impact of the fiscal note. The specialty training and website provisions will have broad benefits. The disclosure form and de minimis violation provisions are simply restatements of the law for assisted living facilities. The stakeholders who developed the recommendations collaborated in a thoughtful manner.

(Opposed) None.

Persons Testifying: Representative Moeller, prime sponsor; Patricia Hunter and Jeff Crollard, Office of the State Long-Term Care Ombudsman; Vicki McNealley, Washington State Residential Care Council; Peggy Quan, AARP; Bill Moss, Department of Social and Health Services; and David Lord, Disability Rights Washington.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON HEALTH & HUMAN SERVICES

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by 7 members: Representatives Morrell, Chair; Cody, Green, Jinkins, Kagi, Ormsby and Ross.

Minority Report: Do not pass. Signed by 2 members: Representatives Harris, Ranking Minority Member; Schmick.

Staff: James Kettel (786-7123).

Summary of Recommendation of Committee On Appropriations Subcommittee on Health & Human Services Compared to Recommendation of Committee On Health Care & Wellness:

Content on the new website is limited to information about adult family homes. The new website should be periodically updated to ensure that information about adult family homes is current.

The number of days that an adult family home can be in violation before the Department of Social and Health Services (Department) must impose protective conditions for current residents is increased from 45 days to 60 days.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 28, 2013.

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

Staff Summary of Public Testimony:

(In support) This bill is consumer-focused, and it reflects a common set of recommendations from advocates, regulators, and providers. A more user-friendly and streamlined website will help consumers access appropriate information to make decisions about placements into adult family homes. The disclosure form will make it easier for consumers to learn about provider specialties, as well as provider deficiencies. Moving the number of days that an adult family home may be under a stop placement order back to 60 days would take away much of the fiscal impact from the substitute bill.

(With concerns) The narrow title suggests that this bill is specifically concerned with adult family homes. However, the Department would have to develop a website that would include information about assisted living, skilled nursing facilities, and adult family homes. Language could be added to clarify that the new website is intended for adult family homes.

(Opposed) None.

Persons Testifying: (In support) Vicki McNeally, Washington State Residential Care Council of Adult Family Homes; Ingrid McDonald, AARP; and Jerry Reilly, Long-Term Care Ombudsman Program.

(With concerns) Dave Knutson, Washington Health Care Association.

Persons Signed In To Testify But Not Testifying: