

# HOUSE BILL REPORT

## SSB 5630

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### 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:** Senate Committee on Health Care (originally sponsored by Senators Bailey, Keiser, Becker, Conway and Frockt).

### Brief History:

#### Committee Activity:

Health Care & Wellness: 3/19/13, 3/28/13 [DPA];

Appropriations Subcommittee on Health & Human Services: 4/4/13 [DPA(APPH w/o HCW)].

#### Brief Summary of Substitute Bill (As Amended by Committee)

- 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 information about adult family homes that is important to residents and their family members and representatives.

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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.*

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## HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** Do pass as amended. Signed by 17 members: Representatives Cody, Chair; Jinkins, Vice Chair; Schmick, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Angel, Clibborn, Green, Harris, Manweller, Moeller, Morrell, Riccelli, Rodne, Ross, Short, Tharinger and Van De Wege.

**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 Amended 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 family members, residents, and prospective residents of adult family homes. 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 disclosure forms as well as inspection and investigation reports and enforcement actions from the previous three years. If a violation or enforcement remedy is changed or deleted, the Department must update the website as soon as reasonably feasible, but not more than 30 days from the change or deletion. The Department must study the feasibility of its website, including periodically updated information about vacancies at adult family homes in Washington.

### *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 60 days of the stop placement order. The Department may also decide to impose conditions earlier than 60 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.

**Amended Bill Compared to Substitute Bill:**

The amended bill increases the number of days that an adult family home under a stop placement order can be in violation before the Department of Social and Health Services (Department) must impose protective conditions for current residents from 45 days to 60 days.

The duration for links to adult family home inspections and investigation reports and enforcement actions to remain on the Department website is limited to the previous three years. The Department must update the website as soon as reasonably feasible if a violation or enforcement remedy is deleted, rescinded, or modified, but no more than 30 days from the deletion, rescission, or modification. References to assisted living facilities are removed with respect to the website content.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended 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) The bill should be changed to reflect the amendments that had been made in the House of Representatives version. This bill brings together providers and resident advocates to prompt positive change and promote good adult family homes. This bill assesses poor performers and corrects them promptly. This bill is an important next step to improve the quality of care for residents in adult family homes. The consumer information and disclosure

aspects of the bill will make it easier for consumers to shop for an adult family home that meets their needs.

(In support with concerns) There is support for evaluating and revising specialty training as well as establishing a consumer-friendly website, however, changing the timeframe from 45 to 60 days will reduce the fiscal note significantly. References to assisted living facilities and nursing homes should be removed.

(Opposed) None.

**Persons Testifying:** (In support) Patricia Hunter, Office of the Long-Term Care Ombudsman; Vicki McNealley, Washington State Residential Care Council; and Peggy Quan, AARP.

(In support with concerns) Bill Moss, Department of Social and Health Services; and Dave Knutson, Washington Health Care Association.

**Persons Signed In To Testify But Not Testifying:** None.

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## **HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON HEALTH & HUMAN SERVICES**

**Majority Report:** Do pass as amended by Committee on Appropriations Subcommittee on Health & Human Services and without amendment by Committee on Health Care & Wellness. Signed by 10 members: Representatives Morrell, Chair; Harris, Ranking Minority Member; Cody, Green, Jinkins, Kagi, Ormsby, Pike, Ross and 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:**

The Appropriations Subcommittee on Health and Human Services recommended that the act be null and void if funding is not provided in the 2013-15 Omnibus Appropriations Act.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

### **Staff Summary of Public Testimony:**

(In support) A task force studied the adult family home industry in 2011. Implementing the recommendations of this task force is important. These recommendations represent common

sense changes that will benefit clients receiving care in adult family homes, as well as families looking for placement options for their loved ones. The amendments added in the Health Care and Wellness Committee strengthen the bill, and also lower the fiscal impact. Lowering the fiscal impact, and decreasing the likelihood that fee increases would be needed to pay for the task force recommendations, was important to members of the Washington State Residential Care Council. Advocacy groups, agencies, and providers will need to collaborate when implementing the task force recommendations. Specialty training for adult family homes could potentially be shared and applied within other long-term care settings.

(Opposed) None.

**Persons Testifying:** Senator Bailey, prime sponsor; Vicki McNealy, Washington State Residential Care Council; and Jerry Reilly, Long-Term Care Ombudsman Program and AARP.

**Persons Signed In To Testify But Not Testifying:** None.