

# HOUSE BILL REPORT

## SSB 5799

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### As Reported By House Committee On:

Health Care

**Title:** An act relating to adult family home licensing and operation.

**Brief Description:** Modifying adult family homes licensure.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators McDonald, Wojahn, Cantu and West).

### Brief History:

#### Committee Activity:

Health Care: 3/24/95, 3/31/95 [DPA].

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### HOUSE COMMITTEE ON HEALTH CARE

**Majority Report:** Do pass as amended. Signed by 12 members: Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

**Staff:** Antonio Sanchez (786-7383).

**Background:** Adult Family Homes are licensed by the state to provide residential care for up to six ( by exception) frail and functionally disabled persons in a homelike setting. The residents are physically and developmentally disabled and elderly adults who require supervision or assistance with activities of daily living and/or health related services and are unable to live alone.

The Adult Family Home Program has been in operation in Washington for 25 years. What began as a model project with a few homes in Seattle, Tacoma, and the Tri-cities, now consists of approximately 1,500 licensed Adult Family Homes statewide caring for 6,000 individuals. Approximately 2,000 of these residents are supported by state funds. Of these state-funded adult family home clients, approximately 65 percent are either developmentally disabled or otherwise disabled persons under 60 years of age. The elderly comprise the remaining 35 percent of adult family home residents.

Current law requires adult family homes to be licensed by the Department of Social and Health Services (DSHS). DSHS regulates adult family homes through rules overseen by the Aging and Adult Services Administration.

**Summary of Amended Bill:** The findings and intent section of the adult family homes chapter is expanded to recognize that adult family homes serve different populations, such as the elderly and the developmentally disabled, which each have broadly varying service needs and capacities.

The definition of "adult family home" is modified and expanded to mean a regular family abode that provides care, as well as special care, for up to six adults. The definition of adult family home provider is also clarified to expressly include corporations, associations, partnerships, and limited liability companies. Minimum qualifications are established for the entity providers. Included in the minimum qualifications are the satisfactory completion of department approved training and continuing education training as specified by the department, special care training, and a complete criminal background check indicating no criminal history that would exclude their participation.

A new definition of "capacity" is added to identify the conditions under which a maximum number of persons in need of personal care and special care can be served in a home at a given time.

Adult family home providers are required to ensure that any person who has unsupervised access to any resident has been given a criminal background check, that activities are offered for residents in the home, and that staff are competent and receive any necessary training to perform assigned tasks.

The amount of time an applicant for an adult family home license can contest denial of his or her application by requesting a hearing is increased from 10 days to 28 days.

The Department of Social and Health Services (DSHS) is directed to adopt rules that recognize the differences in the populations and that are appropriate to those differing needs and capacities. DSHS must consult with all of its divisions and administrations serving the various populations living in adult family homes when developing the rules.

The department is required to establish by rule standards for licensing nonresidents providers and multiple facility operators and require that these standards are equal to recognize national certification standards for residential care.

All adult family homes are required to be registered with the Department of Health and, by January 1, 1996, be covered under the Uniform Disciplinary Act.

**Amended Bill Compared to Substitute Bill:** The requirement that the number of homes a provider may operate be increased to two for individual providers, and to eight for entity providers is eliminated and replaced by giving the Department of Social and Health Services the authority to establish the type and number of adult family homes a provider may operate. Additional minimum qualifications are established for the entity providers. Included in the minimum qualifications are the satisfactory completion of a department approved training and continuing education training as specified by the department, special care training, and a complete criminal background check. Changes are made that require the department to establish, by rule, standards for licensing nonresident providers and multiple facility operators and require that these standards are equal to recognized national certification standards for residential care. Language is also included mandating that adult family home providers be required to ensure that any person who has unsupervised access to any resident has been given a criminal background check, that activities are offered for residents in the home and that staff are competent and receive any necessary training.

The requirement that all adult family homes are required to be registered with the Department of Health and, by January 1, 1996, be covered under the Uniform Disciplinary Act is added.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill will give family members, especially parents, the ability to pool together resources and assistance and establish an adult family home that can specifically tailor its services to a developmentally disabled population. This population has unique needs and schedules that do not often correspond to a home centered around elderly persons.

**Testimony Against:** Expanding and duplicating regulations for adult family homes will be detrimental to the long-term care residential services system and especially to services provided in adult family homes.

**Testified:** Senator McDonald, prime sponsor (pro); Daniel Boone (pro); John Therrien(pro); Renee Berry, Washington Assembly for Citizens with Disabilities (pro); Cathy Wiggins, Department of Social and Health Services, Aging and Adult Services (pro); and Jeff Larsen, Residential Care Conference (oppose with concerns).