

# SENATE BILL REPORT

## SSB 5799

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As Passed Senate, March 7, 1995

**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:** Human Services & Corrections: 2/22/95, 2/28/95, 3/1/95 [DPS]. Passed Senate, 3/7/95, 48-1.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5799 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Schow and Smith.

**Staff:** Andrea McNamara (786-7483)

**Background:** Adult family homes are alternatives to institutional care for many elderly and developmentally disabled people that provide a higher degree of independent living at a much lower cost. Since 1989, the stated policy of the Legislature has been to encourage the establishment of humane, safe, and home-like adult family homes for people with functional limitations.

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 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 different needs and capacities.

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 definition of adult family home provider is clarified to expressly include corporations, associations, partnerships, and limited liability companies. Minimum qualifications are established for the entity providers.

The number of homes a provider may operate is increased to two for individual providers, and to eight for entity providers.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The current "one size fits all" approach of the department's rules for adult family homes does not "fit" in many ways for the developmentally disabled. The rules need to be more accommodating to encourage nonprofit corporations that desire to serve the specialized population of the developmentally disabled. The current rules also do not adequately address the needs of the developmentally disabled.

**Testimony Against:** The original bill would require two different sets of rules within the department. Dual sets of regulations would be overly complicated for homes serving mixed populations as they would have to comply with both. Allowing for entity providers to operate eight homes has the potential to change the traditional family-style character and environment of the homes.

**Testified:** Senator Dan McDonald, R-48th Dist. (pro); John Therrien, parent of child with developmental disability (pro); Cathy Wiggins, Director, Division of Residential Care Services, DSHS (con); John Stern, Division of Developmental Disabilities (con); Janet Adams, Washington Assembly for Citizens with Disabilities (pro); Jeff Larsen, Residential Care Conference (con).

**House Amendment(s):** The required increases in the number of adult family homes a provider may operate is removed. In their place, the Department of Social and Health Services is given the authority to establish in rule 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 for all providers 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. The department is required to establish, by rule, standards for licensing nonresident providers and multiple facility operators which must be equal to recognized national certification standards. 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 necessary training.

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