

SENATE BILL REPORT

SB 6155

As of January 10, 2006

Title: An act relating to the location of facilities licensed by the department of social and health services for the purpose of serving children and persons with developmental disabilities.

Brief Description: Modifying requirements for licensing of facilities serving children and persons with developmental disabilities.

Sponsors: Senators Fairley and Kline.

Brief History:

Committee Activity: Health & Long-Term Care: 1/9/06.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Staff: Sharon Swanson (786-7447)

Background: The Department of Social and Health Services, along with the Children's Services Advisory Committee, develops minimum requirements for the licensing of facilities under its supervision. Foster homes, day care centers, and HOPE centers are some examples. Among the minimum requirements that the department must consider prior to licensing a facility are: the size and suitability of a facility; the number of qualified persons required to render the type of care and treatment for which an agency seeks a license; and the safety, cleanliness, and general adequacy of the premises to provide for the comfort, care, and well-being of the persons to be served. Currently, the department is not required to consider suitability of the location of a facility, or the number of similar existing facilities that may exist within a community.

Summary of Bill: When licensing a new facility, the Department of Social and Health Services is required to consider the suitability of the location of the facility, whether the location of the facility could adversely impact the persons served by the facility, and whether the existence of similar facilities in the proposed location may adversely impact the persons to be served by the facility.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: This legislation will prevent clustering of homes. Too many group or foster homes in one area will result in the creation of mini institutions. It is in the best interest of children with disabilities that they live in the community and truly feel as though they are part

of that community. This legislation accomplishes that and provides safeguards against creation of mini institutions.

Testimony Against: Fodor homes are truly exceptional in how they treat children with autism. This legislation penalizes them for their success and expertise. Parents of children with autism need the assistance and experience provided by Fodor homes. If the option of assistance is not available, children will suffer. Foster homes are not defacto institutions. Children are able to live in a supportive environment near their families, attend school with their friends, and receive the treatment they need to live safely within their community. Without Fodor homes, families will suffer from a lack of support.

As drafted, the bill impacts many different types of facilities, not just foster homes. When a facility is licensed, DSHS has no way of assessing the level of need of particular children who may reside within the facility at any given time. The terms "community" and "integration" are not defined in the bill. This bill creates additional barriers for children with disabilities. In effect, the bill takes away their right to choose where they live.

Who Testified: PRO: Senator Darlene Fairley CON: Diana Edge-Leonard, Fodor Home Parent; Liz Braun, Fodor Homes; Janet Sebastian, Fodor Home Parent; Mike Tornquist, Department of Social and Health Services; Phil Jordan, Washington Protection and Advocacy System; Sarah Cherin, Children's Alliance; Donna Obermeyer, Washington State Special Education Coalition; Luz Fukui.