

SENATE BILL REPORT

SHB 2041

As Reported By Senate Committee On:
Health & Long-Term Care, March 28, 2001

Title: An act relating to resident protection standards in boarding homes and adult family homes.

Brief Description: Providing for resident protection standards in boarding homes and adult family homes.

Sponsors: By House Committee on Health Care (originally sponsored by Representatives Edmonds (co-prime sponsor), Skinner (co-prime sponsor), Ogden and Kenney).

Brief History:

Committee Activity: Health & Long-Term Care: 3/19/01, 3/28/01 [DP].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass.

Signed by Senators Thibaudeau, Chair; Costa, Fraser, Parlette and Winsley.

Staff: Rhoda Donkin (786-7198)

Background: The Department of Social and Health Services (DSHS) is responsible for licensing and monitoring both boarding homes and adult family homes and has the authority to take enforcement actions against any facility found in violation of regulations.

Currently, these facilities have several options for appealing a finding of noncompliance. The provider may request an informal dispute resolution (IDR) within ten days of receiving their notice stating deficiencies. This is an opportunity for the provider to argue, explain, or show evidence that they were in compliance. A provider may come to this process with or without legal representation. Providers may also formally appeal a finding to the Office of Administrative Appeals within 28 days of receiving a written Statement of Deficiencies. Finally, if the provider is not satisfied with that outcome, they can ask for another consideration by appealing to the superior court.

Barring a successful appeal of a finding of noncompliance, the department may take any of the following actions: denial of license, civil fines, stop placement, conditions on the license, revocation of the license, summary suspension or refusal to renew the license.

There has been concern in the provider community that the current appeals process is not adequate or timely and that some enforcement actions are arbitrary, heavy handed. There is also concern that when licenses are revoked, trauma to residents should be mitigated.

Summary of Bill: DSHS must make an on-site visit within 15 days to any facility that has been issued a stop placement. The department must make on-site visits to assess corrections

of serious or recurring violations. To verify corrections of all other violations, the department can choose either an on-site visit or request credible documentation.

A stop placement must be removed when a facility has demonstrated that the violation for which the sanction was issued has been corrected.

DSHS must establish a voluntary temporary management program for adult family homes to mitigate trauma residents would feel if they have to be moved as a result of the license suspension. The department has discretion to approve any temporary manager arrangement and to later revoke them. Temporary managers act as independent contractors, overseeing the overall management of an adult home whose license has been summarily suspended. Residents are provided written notification of this arrangement, and are permitted to leave without incurring any penalties.

DSHS must provide an informal dispute resolution process for boarding homes and adult family home providers. The process may include department staff not originally involved in the determination of violation. The request for informal dispute resolution will be made within ten days of a citation.

A Joint House of Representatives and Senate Task Force on Resident Protection Standards is created to examine the current enforcement and resident protection standards, dispute resolution and complaint investigation processes that apply to adult family homes and boarding homes. A report is due to the Legislature by December 12, 2001.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Procedures related to stop placements on boarding homes need to be consistent and fair. There needs to be a study to understand how appropriate and reasonable the complaint resolution process is for long-term care providers.

Testimony Against: None.

Testified: PRO: Jeff Lawsen, Washington State Residential Care Council; Jerry Reilly, WHCA; Lauri St. Ours, Nor Alfa.