

HOUSE BILL REPORT

SSB 5733

As Reported by House Committee On:

Health Care

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

Brief Description: Improving fairness and protection in boarding homes and adult family homes.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Winsley, Thibaudeau and Kohl-Welles).

Brief History:

Committee Activity:

Health Care: 2/19/04, 2/26/04 [DPA].

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

- New owners of boarding homes are required to correct any deficiencies of previous owners.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: Do pass as amended. Signed by 12 members: Representatives Cody, Chair; Morrell, Vice Chair; Bailey, Ranking Minority Member; Alexander, Benson, Campbell, Clibborn, Darneille, Moeller, Rodne, Schual-Berke and Skinner.

Staff: Dave Knutson (786-7146).

Background:

Boarding homes, and adult family homes are regulated by the Department of Social and Health Services (Department). The Department makes regular unannounced inspections, and must respond to complaints under terms described in statute. Complaints involving imminent danger to the health, safety or well-being of a resident must be responded to within two days. The Department is authorized to take actions if licensees fail to meet licensing requirements, if they operate without a license, provide false information, or interfere with inspections or investigations. Any of the above may be cause for the

Department to refuse an initial license, or to impose reasonable conditions on a contract, to levy civil penalties, or to suspend, revoke or deny a renewal. The Department is also authorized to suspend admissions to any facility found in violation of licensure or contract agreements.

After the Department has imposed a stop placement due to serious, recurring, or uncorrected violations, and in situations where there has been an actual or threatened harm to one or more residents, the Department must make an on-site revisit as soon as appropriate to ensure that the violation has been corrected. The language in statute concerning serious, recurring and uncorrected violations has been interpreted as providing too much latitude for enforcement purposes. Facility operators report that heavy sanctions are being levied for violations that are not serious, and the Long-term Care Ombudsman reports that the Department is issuing insignificant fines against operators who commit serious and repeated violations.

Summary of Amended Bill:

The Department may deny, suspend, revoke, or refuse to renew a license if the applicant or licensee operated a boarding home without a license, or with a revoked or suspended license, made false statements related to the license, or violated other statutory standards. The Department may inspect a boarding home every 24 months if no written notices of violations are recorded for three inspection cycles. The definition of an "affiliated person" is broadened to include the spouse of the applicant. Inspections will be outcome-based and based on standards made available to facilities, residents, and others. Enforcement remedies will seek to ensure the safety, health, and well-being of residents

Change of ownership rules of boarding homes and adult family homes are clarified and simplified.

A new owner is responsible for fixing problems identified in previous owners' inspections, and correcting plans of action.

If a facility has violations when a new owner takes over, the new owner must make sure they are corrected.

Amended Bill Compared to Substitute Bill:

Inspections may be made every 24 months if there have been no violations or substantiated complaints for the past three inspections. Inspection results will be made available to residents and interested parties, as well as facilities.

A prior licensee's compliance record will not become part of a new licensee's record. Inspection cycles for boarding homes are updated to reflect changes made in the 2003

session. The definition of an "affiliated person" includes the spouse of the applicant. Inspection results will be made available to residents and other interested parties.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Prior licensee's compliance and enforcement records should follow anyone affiliated with that person when they apply for licensure. Residents of boarding homes are vulnerable, and need the protection of the state.

Testimony Against: It is not appropriate for residents to be involved in exit interviews and the informal dispute resolution process.

Persons Testifying: (In support) Kary Hyre and Jeff Crollard, Long-term Care Ombudsman Program; and Hilke Faber and David Garrud, Resident Councils of Washington.

(Opposed) Lauri St. Ours, Northwest Assisted Living Facilities Association; Stacy Baker; Brendan Williams, Washington Health Care Association; Deb Murphy, Washington Association of Housing and Services for the Aging; Aaron Mountain, Washington State Residential Care Association; and Pat Lashway, Department of Social and Health Services.

Persons Signed In To Testify But Not Testifying: None.