

SENATE BILL REPORT

SB 5510

As of February 5, 2003

Title: An act relating to creating a license for assisted living facilities.

Brief Description: Creating a license for assisted living facilities.

Sponsors: Senators Deccio, Keiser, Fairley, Thibaudeau, Parlette, Kohl-Welles and Winsley.

Brief History:

Committee Activity: Health & Long-Term Care: 2/6/03.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Staff: Rhoda Donkin (786-7198)

Background: Assisted living is a term that the long-term care industry uses to describe housing arrangements for people who want to live in relatively unsupervised units with readily available services. The living arrangements and the services vary, but basically they include meals, hygiene, recreation, therapy, and health care. There is no assisted living license in this state, but if the facility provides board and "domiciliary" care to seven or more aged or disabled unrelated persons, they are supposed to have a boarding home license. The state has 526 licensed boarding homes, the average size about 70 rooms.

The term "assisted living" also refers specifically to contracts 205 boarding homes have with the Department of Social and Health Services. These contracts lay out specific housing and service requirements which boarding homes must meet in order to receive Medicaid reimbursement from the state at the "assisted living" rate.

In 1998, the Legislature transferred the entire boarding home program from the Department of Health to the Department of Social and Health Services. At the time, many of the regulations that governed boarding homes were seen as inadequate and outdated because the type of client was changing, living longer and needing more services in the facilities. The idea of "aging in place" was used as a guiding principle in the operation of boarding homes as long-term care facilities.

In 1999, the department issued interim guidelines to address many aspects of boarding home operation and licensure. Following this, a process of developing new rules was undertaken through a stakeholder process that lasted two years. New rules that resulted from this are scheduled for April 2003. Following the publication of these rules, many assisted living representatives say the rules are too onerous.

Summary of Bill: An assisted living license is created. Most of the proposed assisted living license language mirrors what is currently in statute for boarding homes licensure under RCW 18.20, including:

- * All residents' rights provided for in 70.129 RCW;
- * Basic requirements for obtaining a license and renewing one;
- * Annual inspections based on resident outcomes;
- * Caregiver training standards, including training for special populations;
- * Background checks for employees;
- * Standards for fire protection and enforcement under the State Patrol and the local fire director;
- * Availability of a 24-hour complaint hotline;
- * Complaint investigation process;
- * Restrictions against serving individuals needing continuous nursing care and supervision;
- * Access to an informal dispute resolution process with the department;
- * Designation of an advisory board;
- * Direction to the department to enhance rules for training caregivers; and
- * Access to a quality improvement consultation program.

The assisted living license makes several changes to current statutory language: Assisted living is explicitly described as a residential setting that supports the changing needs of people, with a philosophy that minimizes an individual's need to move. The department may not write rules that restrict the ability of individuals to negotiate their care with the assisted living providers.

Annual inspections may not focus on the physical plant, procedural and documentation standards. After final approval of the alterations or additions to facilities, or construction of new facilities, has been granted, the department no longer inspects the physical plant for compliance.

Following an inspection, written notice of any violation must include specific rules violated, the specific facts of the violation and the rationale for any remedy or punitive action imposed on the facility, including any department policies, procedures, interpretative guidelines or advisory letters.

Appropriation: None.

Fiscal Note: Requested on January 31, 2003.

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