

SENATE BILL REPORT

EHB 2750

As Reported by Senate Committee On:
Ways & Means, March 1, 2018

Title: An act relating to quality in assisted living facilities.

Brief Description: Concerning quality in assisted living facilities.

Sponsors: Representatives Tharinger, Johnson, Cody, Stonier, Slatter, Robinson, Jinkins, Appleton, Muri and Gregerson.

Brief History: Passed House: 2/14/18, 91-7.

Committee Activity: Ways & Means: 3/01/18, 3/01/18 [DPA(WM), w/oRec].

Brief Summary of Amended Bill

- Directs the Department of Social and Health Services (DSHS) to establish a workgroup to make recommendations regarding a quality metrics system for assisted living facilities.
- Requires DSHS to provide information to consumers about the site visits, inspections, and geographic locations of assisted living facilities.
- Authorizes a phased in increase in civil penalties up to \$3,000 per incident for violations of assisted living facility standards and up to \$10,000 for operating an assisted living facility without a license.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Ways & Means.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Mullet, Palumbo, Pedersen, Ranker, Schoesler, Van De Wege and Warnick.

Minority Report: That it be referred without recommendation.

Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey, Brown and Wagoner.

Staff: James Kettel (786-7459)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background: Assisted living facilities are community-based residences that provide housing and basic services to seven or more residents, and are licensed by DSHS. Residents of assisted living facilities are adults who require support and supervision. Each assisted living facility provides a range of services which may include: housekeeping, meals, laundry, activities, assistance with activities of daily living, health support services, and intermittent nursing services.

DSHS is authorized to take regulatory action against an assisted living facility for licensing and inspection violations. These actions include: refusing to issue or renew a license, imposing conditions on a license, imposing civil penalties up to \$100, suspending or revoking a license, suspending admissions through a stop placement order, or suspending admission of a specific category of residents through a stop placement order.

Receipts from civil penalties must be deposited in the Assisted Living Facility Temporary Management Account (Account). Funds from the Account may be used to pay for relocating residents to other facilities, to maintain the operation of an assisted living facility pending correction of deficiencies or closure, and to reimburse residents for personal funds or property that has been lost or stolen.

Summary of Amended Bill: Assisted Living Facility Workgroup. DSHS must facilitate a workgroup regarding quality metrics for assisted living facilities. The workgroup must submit recommendations for a quality metric system, propose a process for monitoring and tracking performance, and a process to inform consumers. An interim report is due to the appropriate legislative committees by September 1, 2019, with a final report due by September 1, 2020. At least one of the workgroup meetings must review and analyze other states with quality metric methodologies for assisted living facilities and whether the reporting promotes quality of care and if it is unnecessarily burdensome on the assisted living facilities.

The workgroup consists of DSHS representatives, assisted living provider associations, the Long-Term Care Ombuds, organizations with expertise in serving persons with mental health needs in an institutional setting, organizations with expertise in serving persons with developmental disability needs in an institutional setting, licensed health care professionals with experience caring for geriatric patients, and an Alzheimer's advocacy organization.

Assisted Living Facility Information. DSHS must provide information to consumers about assisted living facilities, including information about site visits, substantiated inspection and complaint investigation reports, citations and remedies, and a listing of licensed assisted living facilities by geographic location.

Civil Penalties. The \$100 limit on civil penalties against assisted living facilities for violations of licensing standards is changed to a \$100 minimum civil penalty. The maximum penalty is increased to \$1,000 per day per violation until July 1, 2019, when it increases to \$2,000 through June 30, 2020, and increases to \$3,000 beginning on July 1, 2020. When determining the application of civil fines, DSHS may take action using a tiered sanction grid that considers the extent of harm and the regularity of the occurrence. Penalties up to \$10,000 are established for the operation of an assisted living facility without a license.

In addition to other permitted uses, the Account may be used for the protection of the health, safety, welfare, and property of residents of assisted living facilities that are not compliant with licensing standards.

EFFECT OF WAYS & MEANS COMMITTEE AMENDMENT(S):

- Adds to the workgroup on quality metrics for assisted living facilities members from (1) organizations with expertise in serving culturally diverse and non-English-speaking persons in institutional settings and (2) licensed health care professional with experience caring for diverse and non-English-speaking patients.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Engrossed House Bill: *The committee recommend a different version of the bill than what was heard.* PRO: Removing the cap on fines is important, because fines should match the severity of an offense. Stepping up the policy changes will give providers a chance to adopt to the new fine schedule. Public information about deficiencies help consumers make informed choices about the placement of a loved one. Increasing quality in assisted living facilities should save money in the long run. Adding transparency to the assisted living industry helps protect seniors from abuse and neglect.

Persons Testifying: PRO: Melanie Smith, Washington State Long Term Care Ombuds Program; Joanna Grist, American Association of Retired Persons (AARP); David Lord, Disability Rights Washington.

Persons Signed In To Testify But Not Testifying: No one.