

# SENATE BILL REPORT

## SB 5359

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As Passed Senate, March 13, 2019

**Title:** An act relating to funding investigations to protect individuals with disabilities in the supported living program.

**Brief Description:** Funding investigations to protect individuals with disabilities in the supported living program.

**Sponsors:** Senators Cleveland, Rivers, Darneille, Keiser, Van De Wege, Nguyen, Saldaña and Wilson, C.; by request of Department of Social and Health Services.

**Brief History:**

**Committee Activity:** Health & Long Term Care: 2/06/19, 2/13/19 [DP-WM, w/oRec].  
Ways & Means: 2/26/19, 2/27/19 [DP].

**Floor Activity:**

Passed Senate: 3/13/19, 47-0.

**Brief Summary of Bill**

- Requires residential services and supports providers certified by the Department of Social and Health Services (DSHS) to pay an annual certification fee for the purposes of funding DSHS' complaint investigations in these programs.

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway, Dhingra, Frockt, Keiser and Van De Wege.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Bailey and Becker.

**Staff:** LeighBeth Merrick (786-7445)

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### SENATE COMMITTEE ON WAYS & MEANS

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*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.*

**Majority Report:** Do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey, Becker, Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Liias, Palumbo, Pedersen, Rivers, Schoesler, Van De Wege, Wagoner, Warnick and Wilson, L..

**Staff:** Michele Alishahi (786-7433)

**Background:** Certified Residential Services and Supports. DSHS certifies residential services and supports providers that provide services to individuals with developmental disabilities that are clients of the Developmental Disabilities Administration (DDA). These providers include group homes, group training homes, supported living, and state operated living alternatives (SOLA). Supported living and SOLAs serve the majority of DDA clients. Supported living and SOLA provides instruction, supports, and services to clients living in their own homes. Clients may receive supports for a few hours per month, to up to 24 hours per day.

Complaint Investigations. State law requires DSHS to investigate abuse, neglect, financial exploitation, and abandonment of vulnerable adults. This includes provider practice investigations for reports made against certified residential services and supports providers. In addition to complaint investigations, DSHS conducts regulatory compliance inspections at least every two years. If a report is substantiated, or if pattern of significant non-compliance with the regulations is identified, DSHS may take enforcement action, ranging from sanctions on a named individual, provisional certification or decertification, or termination of program certification.

**Summary of Bill:** Certified residential services and supports providers must pay an annual certification fee to fund DSHS complaint investigations. The annual certification fee must be established in the omnibus appropriations act. The established certification fee must not exceed DSHS' costs for conducting complaint investigations in these programs, and must include all of DSHS' cost of paying providers for the amount of the certification fee attributed to Medicaid clients. The certification fees must be used by DSHS to conduct complaint investigations in certified residential services and supports programs.

Government-operated programs or court-appointed receivers are exempt from paying the certification fee. If CMS determines they will not match state expenditures for the certification fee, then DSHS must cease the collection of the certification fee, and notify the Office of Financial Management and the appropriate committees of the Legislature.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Effective Date:** The bill takes effect on July 1, 2019.

**Staff Summary of Public Testimony (Health & Long Term Care):** PRO: The number of complaints received by DSHS have increased by 50 percent and additional funding has not been provided to fund more staff to investigate these complaints. Complaint investigations are critical to protecting vulnerable adults and ensuring that providers and clients are safe. This bill draws down federal funds to help pay for these complaint investigations. Investigator jobs were cut short during the recession. These are important jobs and we support more funding to recruit and retain this workforce.

OTHER: We appreciate that the funding mechanism will hold Medicaid providers harmless. However, we think additional funding should be provided to ensure providers can hire and retain quality staff which would help decrease the number of complaint investigations required.

**Persons Testifying (Health & Long Term Care):** PRO: Senator Annette Cleveland, Prime Sponsor; Candace Goehring, Aging and Long-Term Support Administration and Residential Care Services; Matt Zuvich, Washington Federation of State Employees; Noah Seidel, Office of Developmental Disabilities Ombuds.

OTHER: Melissa Johnson, Community Residential Services Association.

**Persons Signed In To Testify But Not Testifying (Health & Long Term Care):** No one.

**Staff Summary of Public Testimony (Ways & Means):** PRO: The number of complaints received by DSHS has increased by 50 percent from 2014 and 2018, without any increase in the budget for the extra workload. This bill would provide a savings of \$1.2 million in General Fund-State by implementing an oversight fee and using federal match funds to hire additional investigators.

OTHER: While we appreciate the funding mechanism that will hold Medicaid providers harmless, we see a correlation between the need for investigations and the 50 percent turnover that has been consistent in our agencies over the last three years. We ask you to consider our funding request to allow our agencies to hire and retain quality staff.

**Persons Testifying (Ways & Means):** PRO: Candace Goehring, Aging and Long Term Support Administration, Residential Care Services.

OTHER: Melissa Johnson, Community Residential Services Association.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.