

1320-S

Sponsor(s): House Committee on Health Care (originally sponsored by Representatives Edmonds, Skinner, Pennington, Cody, Gombosky, Campbell, Darneille, Ruderman, Conway, Schual-Berke, Edwards, Mielke, Linville, Kenney, Jackley and Kagi)

Brief Description: Modifying provisions concerning adult family homes.

HB 1320-S - DIGEST

(DIGEST AS ENACTED)

Declares that the personal records of the provider are not subject to department inspection nor is the separate bedroom of the provider, not used in direct care of a client, subject to review. The department may inspect all rooms during the initial licensing of the home.

Provides, however, during a complaint investigation, the department shall have access to the entire premises and all pertinent records when necessary to conduct official business.

Requires, for those applying after September 1, 2001, to be licensed as providers, and for resident managers whose employment begins after September 1, 2001, a high school diploma or general educational development (GED) certificate.

Requires literacy in the English language, however, a person not literate in the English language may meet the requirements of this subsection by assuring that there is a person on staff and available who is able to communicate or make provisions for communicating with the resident in his or her primary language and capable of understanding and speaking English well enough to be able to respond appropriately to emergency situations and be able to read and understand resident care plans.

Requires, for those applying after September 1, 2001, to be licensed as providers, and for resident managers whose employment begins after September 1, 2001, at least three hundred twenty hours of successful, direct caregiving experience obtained after age eighteen to vulnerable adults or children in a licensed or contracted setting prior to operating or managing an adult family home.

Requires adult family homes to comply with the provisions of chapter 70.24 RCW.

Provides that, in order to prevent disruption to current residents, at the request of the current licensed provider, the department shall give processing priority to the application of a person seeking to be licensed as the new provider for the adult family home. The department may issue a provisional license when a currently licensed adult family home provider has applied to be licensed as the new provider for a currently licensed adult family home, the application has been initially processed, and all that remains to complete the application process is an on-site inspection.

Declares that an employer providing home and community services, including facilities licensed under chapters 18.51,

18.20, and 70.128 RCW, an employer of a program authorized under RCW 71A.12.040(10), or an in-home services agency employer licensed under chapter 70.127 RCW, who discloses information about a former or current employee to a prospective home and community services employer, nursing home employer, or home health, hospice, or home care agency employer, is presumed to be acting in good faith and is immune from civil and criminal liability for such disclosure or its consequences if the disclosed information relates to: (1) The employee's ability to perform his or her job; (2) the diligence, skill, or reliability with which the employee carried out the duties of his or her job; or (3) any illegal or wrongful act committed by the employee when related to his or her ability to care for a vulnerable adult.

Repeals RCW 70.128.061 and 70.128.062.

VETO MESSAGE ON HB 1320-S

May 15, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 11, 12 and 15, Substitute House Bill No. 1320 entitled:

"AN ACT Relating to adult family homes;"

Substitute House Bill No. 1320 strengthens and improves the training, licensing and inspection processes for adult family homes. Adult family homes are an integral part of our long-term care system. I support the efforts to balance the need of the Department of Social and Health Services (DSHS) to ensure a high quality of care, and the need of providers for certainty in the licensing and inspection processes.

Section 11 of the bill would have eliminated the requirement that employees in adult family homes have food handler permits from the Department of Health (DOH). Instead, DSHS would have been required to include food safety training in its regular training and continuing education curricula. Asking DSHS to provide education on food safety and to enforce DOH rules is not efficient or effective. In addition, under current law food handler permits must be obtained within fourteen days of employment. The DSHS training must be obtained within six months of the date of employment. Food safety is too important to delay the training in this manner.

Section 12 of the bill would have required DSHS to work with providers and resident communities to develop opportunities for its staff to become familiar with the routines of adult family homes. This language is vague and unenforceable. It is also insulting to the agency staff, because it implies that DSHS employees are unfamiliar with the industry they are regulating. Opportunities for exchanges of information and experience can be developed without a statutory requirement. I encourage DSHS to take these steps but it need not be mandated by statute.

Section 15 is unnecessary because it sets the implementation date for section 11.

For these reasons, I have vetoed sections 11, 12 and 15 of

Substitute House Bill No. 1320.

With the exception of sections 11, 12 and 15, Substitute House Bill No. 1320 is approved.

Respectfully submitted,
Gary Locke
Governor