

SHB 1277 - H AMD 705

By Representative Cody

ADOPTED 05/02/2011

1 On page 3, line 31, after "of the" strike "previous" and insert  
2 "initial"

3  
4 On page 3, line 35, after "(3)" insert "The department shall only  
5 accept an additional application for licensure of other adult family  
6 homes when twelve months has passed since the previous adult family  
7 home license, and the department has taken no enforcement actions  
8 against the applicant's currently licensed adult family homes during  
9 the twelve months prior to application.

10 (4)"

11  
12 Renumber the remaining subsections consecutively and correct any  
13 internal references accordingly.

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15 On page 6, line 17, after "previous" strike "thirty-six" and  
16 insert "sixty"

17  
18 On page 6, line 22, after "experience" insert "or, currently hold  
19 one of the following professional licenses: Physician licensed under  
20 chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57  
21 RCW; osteopathic physician assistant licensed under chapter 18.57A  
22 RCW; physician assistant licensed under chapter 18.71A RCW; registered  
23 nurse, advanced registered nurse practitioner, or licensed practical  
24 nurse licensed under chapter 18.79 RCW"

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1 On page 11, line 30, after "residents." insert "The criteria shall  
2 be tiered such that those homes consistently found to have  
3 deficiencies will be subjected to increasingly severe penalties."

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5 On page 12, line 9, after "growing" strike "need for"

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7 On page 13, beginning on line 27, after "(5)" strike all material  
8 through "comingled" on page 15, line 4 and insert "If any funds in  
9 excess of one hundred dollars are paid to an adult family home by the  
10 resident or a representative of the resident, as a security deposit  
11 for performance of the resident's obligations, or as prepayment of  
12 charges beyond the first month's residency, the funds shall be  
13 deposited by the adult family home in an interest-bearing account that  
14 is separate from any of the home's operating accounts, and that  
15 credits all interest earned on the resident's funds to that account.  
16 In pooled accounts, there must be a separate accounting for each  
17 resident's share. The account or accounts shall be in a financial  
18 institution as defined by RCW 30.22.041, and the resident shall be  
19 notified in writing of the name, address, and location of the  
20 depository. The adult family home may not commingle resident funds  
21 from these accounts with the adult family home's funds or with the  
22 funds of any person other than another resident. The individual  
23 resident's account record shall be available upon request by the  
24 resident or the resident's representative.

25 (6) The adult family home shall provide the resident or the  
26 resident's representative full disclosure in writing, prior to the  
27 receipt of any funds for a deposit, security, prepaid charges, or any  
28 other fees or charges, specifying what the funds are paid for and the  
29 basis for retaining any portion of the funds if the resident dies, is  
30 hospitalized, or is transferred or discharged from the adult family  
31 home. The disclosure must be in a language that the resident or the  
32 resident's representative understands, and be acknowledged in writing  
33 by the resident or the resident's representative. The adult family  
34 home shall retain a copy of the disclosure and the acknowledgment.

1 The adult family home may not retain funds for reasonable wear and  
2 tear by the resident or for any basis that would violate RCW  
3 70.129.150.

4 (7) Funds paid by the resident or the resident's representative to  
5 the adult family home, which the adult family home in turn pays to a  
6 placement agency or person, shall be governed by the disclosure  
7 requirements of this section. If the resident then dies, is  
8 hospitalized, or is transferred or discharged from the adult family  
9 home, and is entitled to any refund of funds under this section or RCW  
10 70.129.150, the adult family home shall refund the funds to the  
11 resident or the resident's representative within thirty days of the  
12 resident leaving the adult family home, and may not require the  
13 resident to obtain the refund from the placement agency or person.

14 (8) If, during the stay of the resident, the status of the adult  
15 family home licensee or ownership is changed or transferred to  
16 another, any funds in the resident's accounts affected by the change  
17 or transfer shall simultaneously be deposited in an equivalent account  
18 or accounts by the successor or new licensee or owner, who shall  
19 promptly notify the resident or the resident's representative in  
20 writing of the name, address, and location of the new depository.

21 (9) Because it is a matter of great public importance to protect  
22 residents who need long-term care from deceptive disclosures and  
23 unfair retention of deposits, fees, or prepaid charges by adult family  
24 homes, a violation of this section or RCW 70.129.150 shall be  
25 construed for purposes of the consumer protection act, chapter 19.86  
26 RCW, to constitute an unfair or deceptive act or practice or an unfair  
27 method of competition in the conduct of trade or commerce. The  
28 resident's claim to any funds paid under this section shall be prior  
29 to that of any creditor of the adult family home, its owner, or  
30 licensee, even if such funds are commingled"

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32 On page 22, line 4, after "502." insert "(1)"

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34 On page 22, after line 16, insert the following:

1       "(2) The department shall convene a quality assurance panel to  
2 review problems in the quality of care in adult family homes and to  
3 reduce incidents of abuse, neglect, abandonment, and financial  
4 exploitation. The state's long-term care ombudsman shall chair the  
5 panel and identify appropriate stakeholders to participate. The panel  
6 must consider inspection, investigation, public complaint, and  
7 enforcement issues that relate to adult family homes. The panel must  
8 also focus on oversight issues to address de minimus violations,  
9 processes for handling unresolved citations, and better ways to  
10 oversee new providers. The panel shall meet at least quarterly, and  
11 provide a report with recommendations to the governor's office, the  
12 senate health and long-term care committee, and the house of  
13 representatives health and wellness committee by December 1, 2012."

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15       On page 22, beginning on line 17, strike all of section 503

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17       Correct any internal references accordingly.

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EFFECT: Limits the 24 month waiting period for the Department of Social and Health Services (DSHS) accepting applications for additional adult family homes to 24 months following the initial adult family home license. Imposes a 12 month (reduced from 24 months) waiting period for other adult family home applicants and requires that there not have been any enforcement actions taken by the DSHS against the applicant within 12 months prior to application.

Requires the DSHS, when establishing criteria for applying sanctions to adult family homes, to develop tiers to impose higher penalties on those adult family homes that have consistently had findings of deficiencies.

Limits the application of resident fund protections to only adult family homes, rather than all long-term care facilities.

Extends the amount of time that an applicant or resident manager has to meet the 1,000 hours of direct caregiving experience requirement from 36 months to 60 months. Allows current licensure as either a physician, osteopathic physician, osteopathic physician assistant, physician assistant, registered nurse, advanced registered nurse practitioner, or licensed nurse to substitute for the proof of

completion of the direct caregiving experience requirement.

Changes the convening entity of the adult family home quality assurance panel from the Washington State Long-Term Care Ombudsman to the DSHS. Maintains the panel's general responsibilities to recommend ways to improve resident safety and oversight in adult family homes, but states them in less specific terms. Extends the submission of the panel's report from July 1, 2012 to December 1, 2012.

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