
Early Learning & Human Services Committee

HB 1307

Brief Description: Concerning enforcement standards for residential services and support providers.

Sponsors: Representatives Harris, Tharinger, Walkinshaw and Kagi; by request of Department of Social and Health Services.

Brief Summary of Bill

- Authorizes the Developmental Disability Administration (DDA) to use additional enforcement mechanisms for Certified Residential Service and Support Providers (CRSSP) including stop placement orders to ensure that providers comply with their obligations.
- Provides that the DDA may impose a maximum penalty of \$3,000 on a CRSSP.
- Designates that any penalties be deposited into a residential services and support account that may only be used by the DDA to promote the quality of life and care of clients.

Hearing Date: 1/27/15

Staff: Luke Wickham (786-7146).

Background:

Certified Residential Services and Support Providers.

Certified Residential Service and Support Providers (CRSSP) are certified by the Developmental Disability Administration (DDA) and contracted by the DDA to deliver client instruction and support services. These providers include group homes, supported living services, community protection programs, crisis diversion bed services, and group training homes. Service providers must provide each client instruction or support as identified in a client's individual support plan. The areas of support to the client may include:

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- Home living activities;
- Community living activities;
- Life-long learning activities
- Social activities;
- Employment;
- Protection and advocacy activities;
- Exceptional medical support needs; and
- Exceptional behavioral support needs.

Enforcement Mechanisms for Certified Residential Services and Support Providers.

If a CRSSP does not comply with its requirements, the DDA may decertify the provider, refuse to renew the certification, impose conditions on certification, suspend referrals, or require the provider to implement a plan of correction. If providers fail to make the adjustments required by a plan of correction, the DDA may impose civil penalties up to \$150 per day.

The Administrative Procedures Act applies to these enforcement actions.

Summary of Bill:

The conditions that the DDA may impose on a CRSSP are specified to include making corrections within a specific time, requiring training, and limits on the type of client the provider may serve. The DDA is also authorized to suspend the provider from accepting clients with specified needs by imposing a limited stop placement.

If the DDA orders a stop placement, the provider may not accept new clients, or clients with specific needs until that stop placement order is terminated. The DDA will terminate the stop placement order when the violations have been corrected and the provider exhibits the capacity to maintain correction of the violations.

After ordering a stop placement, the DDA shall make an on-site visit of the provider within 15 working days of the provider notifying the DDA that a correction was made. For serious violations, the DDA shall visit the provider as soon as appropriate to ensure correction. Verification of all other violations may be made either by a DDA on-site visit or by credible written or photographic documentation.

The fines that the DDA may impose on providers are reduced to a maximum of \$100 per day per violation. The DDA may impose a maximum total violation amount of \$3,000.

Providers have the right to an informal dispute resolution process to dispute any violation found or enforcement remedy imposed by the DDA. Except for imposition of civil penalties, the effective date of enforcement actions may not be delayed or suspended pending hearings or an informal dispute resolution process.

The DDA shall develop rules to implement these enforcement actions by January 1, 2016.

A separate residential services and support account is created and all receipts from civil penalties against a CRSSP must be deposited in this account. The DDA director may authorize expenditures from the account only for promoting the quality of life and care of a CRSSP client.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.