

SENATE BILL REPORT

SB 5674

As of February 10, 2015

Title: An act relating to enforcement standards for residential services and support providers.

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

Sponsors: Senators Cleveland and Keiser; by request of Department of Social and Health Services.

Brief History:

Committee Activity: Health Care: 2/10/15.

SENATE COMMITTEE ON HEALTH CARE

Staff: Kathleen Buchli (786-7488)

Background: The Developmental Disabilities Administration (DDA) assists individuals with developmental disabilities and their families to obtain services and support based on individual preference, capabilities and needs, and which promote everyday activities, routines, and relationships common to most citizens.

Residential Services for Individuals with Developmental Disabilities. There are several different residential programs and services that may be available to clients of DDA, which include the following:

- Adult family homes are regular neighborhood homes where staff assumes responsibility for the safety and wellbeing of an adult;
- Alternative living services are instructional services provided by an individual contractor;
- The Community Protection Program (CPP) provides intensive 24-hour supervision for clients who have been identified as posing a risk to their community due to criminal charges, conviction, or a history of sexual or violent crime;
- Companion homes provide residential services and supports in an adult foster care model to no more than one adult DDA client;
- Group homes are community-based residences serving two or more adult clients and are licensed as either an assisted living facility or an adult family home;

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- Intermediate care facilities for individuals with intellectual disabilities are residential settings that provided habitation training, 24-hour supervision, and medical services for Medicaid-eligible clients;
- Residential habitation centers are state-operated residential settings that provide habitation training, 24-hour supervision, and medical services for clients who meet Medicaid eligibility and need active treatment;
- Supported living services offer instruction and support to persons who live in their own homes in the community;
- State-operated living alternatives programs are operated by the DDA with state employees providing instruction and support to clients; and
- Voluntary placement services offer a variety of supports to eligible children living in a licensed setting outside the family home.

Community Protection Program Enforcement Standards. The Department of Social and Health Services (DSHS) is authorized to take action against CPP residential service providers who fail or refuse to comply with the certification requirements, rules adopted to implement CPP, requirements for services to vulnerable adults, or who make false statements to DSHS. The sanctions DSHS may impose include decertifying or refusing to renew certification of a provider, imposing conditions on the certification, suspending DSHS referrals to the provider, imposing civil monetary penalties, or requiring the provider to implement a corrective action plan.

Summary of Bill: The enforcement standards provided in law are specified to apply to all residential services and support providers, not only those for CPP. Refusal to comply with the requirements relating to the abuse of vulnerable adults could lead to enforcement actions. These enforcement actions include refusing to certify the provider; imposing reasonable conditions on a provider's certification status such as correcting the deficiency, training, and limits on the type of client the provider may serve; suspending the provider from accepting clients with specified needs by imposing a limited stop placement; or requiring the provider to implement a plan of correction approved by DSHS. If the provider fails to implement a plan of correction, or fails to cooperate with subsequent monitoring, DSHS may impose civil penalties of up to \$100 per day which reduces this civil penalty from the current \$150 per day. A total maximum fine of \$3,000 per violation is established. Penalties may be imposed starting ten days after the provider receives a statement of deficiency.

If DSHS orders a stop placement order, the provider may not accept new clients until the stop placement order is terminated. However, if the stop placement order is a limited stop placement, the provider may accept new clients but not those with specific needs or at a specific site until the limited stop placement is terminated. Stop placement orders must be terminated when the violation necessitating the stop placement has been corrected and the provider exhibits the capacity to maintain correction of the violations.

After imposing the stop order, DSHS must make an on-site revisit of the provider within 15 working days from being notified by the provider that the violation has been corrected. For serious violations, DSHS must make an on-site revisit as soon as appropriate to ensure correction of the violation. Verification of the correction may be made by an on-site revisit or by credible written or photographic documentation.

A residential services and support account is created in the custody of the Office of the State Treasurer. All receipts from penalties imposed on residential service and support providers are deposited into this account. DSHS must use the account only for promoting the quality of life and care of clients receiving care and services from the certified providers.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: We try to deliver the appropriate care in the appropriate care setting; residential services providers are part of that system. Residential services providers help people to receive services and the care they need to stay in their residential settings. They do not have strong enforcement and they need more support and better enforcement standards. We want to ensure patient quality of life and their health and safety. The goal is to protect people living in residential settings. This aligns with the service mission of DSHS. The language has been developed with stakeholders. Currently, DSHS has limited provider enforcement options; they can decertify providers but that will lead to service disruption for clients. This bill provides for better service to clients and gradual enforcement actions.

OTHER: We are frustrated with the emphasis on sanctions. The supported living system is underfunded, and better funding will lead to better wages and lower turnover which will increase client safety.

Persons Testifying: PRO: Senator Cleveland, prime sponsor; Carl Walters II, Division Director, Residential Care Services, Aging and Long-Term Support Administration.

OTHER: Melissa Johnson, Community Residential Services Assn.