

# HOUSE BILL REPORT

## ESHB 1023

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### As Passed Legislature

**Title:** An act relating to allowing certain adult family homes to increase capacity to eight beds.

**Brief Description:** Allowing certain adult family homes to increase capacity to eight beds.

**Sponsors:** House Committee on Health Care & Wellness (originally sponsored by Representatives Macri, Harris, Cody, MacEwen, Pollet, DeBolt, Springer, Kretz, Appleton, Caldier, Slatter, Vick, Stanford, Fitzgibbon, Riccelli, Robinson, Kloba, Valdez, Ryu, Tharinger, Jinkins, Wylie, Goodman, Bergquist, Doglio, Chambers, Senn, Ortiz-Self, Stonier, Frame, Ormsby and Reeves).

### Brief History:

#### Committee Activity:

Health Care & Wellness: 1/22/19, 2/1/19 [DPS].

#### Floor Activity:

Passed House: 2/7/19, 96-0.

Senate Amended.

Passed Senate: 4/15/19, 48-0.

Passed House: 1/16/20, 96-0.

Senate Amended.

Passed Senate: 3/4/20, 41-6.

House Concurred.

Passed House: 3/9/20, 96-0.

Passed Legislature.

### Brief Summary of Engrossed Substitute Bill

- Allows adult family homes to increase their bed capacity from six to eight beds if they meet specified licensing standards.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers, Davis, Harris, Jinkins, Maycumber, Riccelli, Robinson, Stonier, Thai and Tharinger.

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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.*

**Staff:** Chris Blake (786-7392).

**Background:**

Adult family homes are community-based facilities licensed to care for up to six individuals who need long-term care. These homes provide room, board, laundry, necessary supervision, and assistance with activities of daily living, personal care, and nursing services.

Adult family homes are licensed by the Department of Social and Health Services and must meet facility standards as well as training requirements for resident managers and caregivers. An adult family home may only admit residents whose needs and preferences the home is able to meet through available staff and reasonable accommodations. Each resident must receive identified care and services in a manner and environment that supports, maintains, or improves the resident's quality of life. The services must be provided by appropriate professionals based upon the resident's assessment and negotiated care plan.

**Summary of Engrossed Substitute Bill:**

An adult family home provider may increase the home's bed capacity to seven or eight beds. A provider may apply for a license to operate with seven or eight beds if:

- the provider received the initial adult family home license at least 24 months prior to application;
- the home has been licensed for six residents for at least 12 months prior to application;
- the home has completed two full inspections without any enforcement actions;
- the provider attests that an increase will not adversely affect the health, safety, or quality of life of the home's current residents;
- the home is in compliance with Department of Social and Health Services (Department) rules regarding emergency evacuation;
- the home has a residential sprinkler system in place for residents who require assistance during an evacuation; and
- the provider has paid any required fees.

The fee for an application to increase the bed capacity of an adult family home is established in the operating budget.

The increase in bed capacity is permissible if the provider demonstrates financial solvency and management experience for the home. In addition, the provider must be able to meet safety, health, and operating standards related to the operation of a seven- or eight-bed adult family home, including the mitigation of potential traffic impacts. The Department must also consider comments related to quality of care and quality of life from current residents, as well as their views on adding more residents to the home.

An adult family home that applies for an increase in capacity up to eight beds must notify all residents and their designated guardians about the increase at least 60 days prior to admitting a seventh resident. The notice must be in writing in a manner or language understood by the residents and their designated representatives.

The Department shall provide written notification to the local jurisdiction in which the adult family home is located regarding the applicant's request to increase bed capacity. The local jurisdiction may provide recommendations to the Department regarding whether or not the increase in bed capacity should be approved. In addition, the Department shall conduct an inspection of the home prior to issuing a license to determine if the home is able to meet the needs of eight residents. The Department may reduce the maximum number of beds to six if there has been serious noncompliance with licensing standards.

To change ownership of a seven- or eight-bed adult family home, the new provider must be a provider of an adult family home that has been licensed for at least 24 months with six residents for at least 12 of those months. In addition, the adult family home that is the subject of the proposed change of ownership must have completed at least two full inspections with the last two full inspections not having resulted in any enforcement actions.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Adult family homes have helped the state to have a high quality long-term care system with the greatest independence and integration into the broader community for people with disabilities and for older people. There is a growing aging population in the state and there is a need for these resources. Washington is a leader in long-term care because it is willing to review the system and make appropriate responses to improve it and this is one step for individuals to receive services in the community.

This bill will expand much needed long-term care resources by allowing qualified, experienced providers with adequate square footage, a history of regulatory compliance, and residential sprinkler systems throughout the house to apply for an expansion to seven or eight beds. This is a way to expand capacity in a thoughtful way. Increasing the capacity of adult family homes will help those taking care of government clients. Many of the adult family homes would like to increase capacity to have a room for the spouse of a resident. Affordability of adult family homes for private pay residents is becoming a problem because of the cost of staffing. This bill will bring affordability for owners of adult family homes and bring more activities to the homes. It is a challenge to find placement for people with disabilities being discharged from hospitals.

Some of the homes currently being built are large enough that they must have sprinkler systems under local ordinances. On average adult family homes already evacuate residents in less than two and a half minutes and increasing capacity to eight beds will not have a big impact on safety.

This bill will help offset the costs to allow homes to hire more qualified nurses and staff. This bill will help homes to balance their expenses, so homes do not have to shut down. This will help adult family homes to better staff the homes.

Current rules address any neighborhood concerns. Most adult family homes have great relationships with their neighbors. This will allow some homes to operate day programs to provide respite.

(Opposed) In a situation in which an adult family home needs to be evacuated in an emergency, trying to organize residents to get out of the home could be very difficult and adding two more residents can exponentially increase the problem. There is a disincentive for adult family homes to accept people who will need assistance during an evacuation because this would trigger the sprinkler system requirement. Putting more people into existing adult family homes will increase risk and decrease accessibility to some of the most vulnerable populations.

(Other) With eight beds adult family homes can have more caregivers and give residents the best service. There are no safety issues because adult family homes can evacuate residents in two to three minutes. This bill will help residents who are looking for safe and affordable care.

**Persons Testifying:** (In support) Representative Macri, prime sponsor; John Ficker, Adult Family Home Council; Cornelius Hertog; Alyssa Arley; Brenda Rogge; Mulugeta Aseresu; and Aster Mender, Harmony Place Adult Family Home.

(Opposed) Jim Sharp, West Pierce Fire and Rescue.

(Other) Motbaynor Tebeje, Martha Lake Adult Family Care.

**Persons Signed In To Testify But Not Testifying:** None.