

# SENATE BILL REPORT

## SB 6810

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As Reported By Senate Committee On:  
Health & Long-Term Care, February 1, 2006

**Title:** An act relating to temporary management in boarding homes.

**Brief Description:** Concerning temporary management in boarding homes.

**Sponsors:** Senator Keiser.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 1/30/06, 2/1/06 [DPS].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** That Substitute Senate Bill No. 6810 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Ranking Minority Member; Benson, Brandland, Franklin, Johnson, Kastama and Kline.

**Staff:** Sharon Swanson (786-7447)

**Background:** The Department of Social and Health Services (DSHS) licenses boarding homes, nursing homes, and adult family homes. In addition to licensing, the DSHS monitors compliance with state and federal regulations. If a boarding home, nursing home, or adult family home is not in compliance with regulations, the DSHS may impose penalties, revoke the boarding home's license, and use other remedies to force compliance.

DSHS is able to appoint a temporary manager to oversee the operation of a nursing home or adult family home when there is a history of noncompliance, multiple deficiencies during one inspection, or there is a failure to provide an acceptable plan to correct deficiencies.

Boarding homes are facilities that provide housing and basic services, and assume general responsibility for the safety and well-being of residents. While the DSHS is responsible for licensing and overseeing the operation of boarding homes, DSHS is not authorized to appoint a temporary manager for a boarding home that is deficient and in need of temporary assistance.

**Summary of Substitute Bill:** The bill authorizes the DSHS to appoint or approve temporary managers for boarding homes. It allows a licensee, subject to DSHS approval, to voluntarily participate in the temporary management program.

When DSHS appoints a temporary manager, the licensee must immediately turn over the operation of the boarding home to the temporary manager. The temporary manager must protect the health, security, and welfare of the residents, and may perform such acts as overseeing facility closure, temporarily relocating residents, managing employees, entering into contracts, and making expenditures.

If the licensee elects to participate in the temporary management program, the licensee is responsible for all costs related to administering the temporary manager.

The temporary management period concludes twenty-eight days after issuance of the formal notification of enforcement action or conclusion of the administrative proceedings, whichever is later.

**Substitute Bill Compared to Original Bill:** The substitute bill allows a temporary manager appointment by the Department of Social and Health Services only when the boarding home licensee agrees to voluntarily participate.

The boarding home licensee is obligated to pay all costs associated with the temporary management program. The temporary management period concludes twenty-eight days after issuance of the formal notification of enforcement action or conclusion of the administrative proceedings, whichever is later.

**Appropriation:** None.

**Fiscal Note:** Requested on January 30, 2006.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** This bill fills a gap. Temporary managers are available to nursing homes and adult family homes but not boarding homes. The concern is that the Department of Social and Health Services has only one remedy when a boarding home provider refuses to address deficiencies and that is to close the facility. Ultimately, if a provider will not make the needed changes and residents suffer as a result, the department must close the facility. This causes great trauma to residents who must leave their home and friends and move. This bill will allow the department to step in and appoint a temporary manager to prevent the trauma and expense of closure.

**Testimony Against:** Currently, the department does not have anyway to fund a temporary manager program for boarding homes. The department can impose civil penalties on a nursing home provider up to \$1000.00 per day. That money goes into a fund to help pay the cost of temporary managers when needed. The department can only fine a boarding home \$100.00 per day; thus, there is not enough resource available to pay for this very expensive program. This program should be voluntary and the cost should be borne by the provider.

**Who Testified:** PRO: Julie Peterson, Washington Association of Housing and Services for the Aging; Kary Hyre, Long Term Care Ombudsman.

CON: Joyce Stockwell, Department of Social and Health Services.