

Joint Committee on Ways and Means

Carrier – House: Rep. Gelser
Carrier – Senate: Sen. Winters

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass the A-Engrossed Measure as Amended and Be Printed B-Engrossed

Vote: 19 – 3 – 0

House

Yeas: Buckley, D. Edwards, Galizio, Garrard, Jenson, Komp, Kotek, Nathanson, Shields, G. Smith

Nays: Gilman, Richardson

Exc:

Senate

Yeas: Bates, Carter, Girod, Johnson, Monroe, Nelson, Verger, Walker, Winters

Nays: Whitsett

Exc:

Prepared By: Sheila Baker, Legislative Fiscal Office

Meeting Date: May 29, 2009

WHAT THE MEASURE DOES: Establishes Quality Care Fund. Designates fund to Department of Human Services (DHS) for training, technical assistance, quality improvement and licensing. Adds DHS reporting requirements for individuals receiving developmental disability services. Establishes facility notification requirements when DHS substantiates an abuse allegation in a facility. Requires criminal record checks on employees of facilities, care agency, home health agency, or certain individuals paid directly or indirectly with public funds; precludes public funding of employees convicted of certain crimes; requires DHS notification of record of substantiated abuse. Expands definitions of abuse, sexual abuse, verbal abuse, neglect, financial exploitation, negative outcome, rape and serious injury, among others. Requires DHS to establish policy, procedures and guidelines for abuse investigations and investigators, to include, until January 2015, county multidisciplinary teams developed by each county district attorney. Expands DHS and law enforcement agency investigation requirements. Increases fees and civil penalties for facilities serving persons who are elderly, have physical disabilities or have developmental disabilities; requires moneys to be deposited in the Quality Care Fund.

ISSUES DISCUSSED:

- Fees and civil penalties can be matched with federal Medicaid dollars to support expanded investigations and training requirements for Department of Human Services.
- Impact of county multidisciplinary teams indeterminate due to local implementation decisions.
- No General Fund impact for 2009-11 biennium due to transfer of \$150,000 as estimated civil penalty receipts expected under current law.

EFFECT OF COMMITTEE AMENDMENT: Removes Consumer Information Database for Developmental Disability Services as allowable use of Quality Care Fund moneys and deletes mandates for Department of Human Services and facilities regarding the database. Requires DHS to transfer \$150,000 from the Quality Care Fund to the General Fund on June 30, 2011. Removes requirement that DHS “immediately and appropriately respond” to a violation of rules adopted for conduct of abuse investigations for persons with developmental disabilities.

BACKGROUND: Elderly adults and adults with developmental disabilities in long-term care facilities are vulnerable to abuse. The Department of Human Services serves over 15,000 seniors and people with physical disabilities each month in nursing facilities and community-based care facilities. More than 5,000 children and adults with developmental disabilities are in foster care or residential facilities. To improve quality of care, proponents have identified a need for better information on potential employees as well as greater consistency in training and investigations in this area.