

**Developmental Disabilities Administration
040 - PL - DP - SUPPORTED LIVING INVESTIGATORS**

Agency Submittal: 11-2017-19-YR Agency Req

Budget Period: 2017-19

SUMMARY

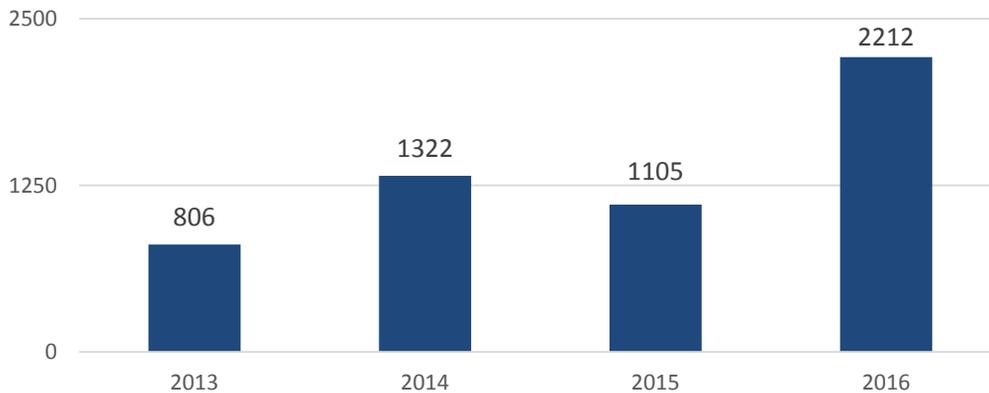
The Supported Living investigation workload has increased without corresponding staff to address the need. RCW 74.34.063 requires DSHS to initiate provider practice issues related to abuse, neglect, financial exploitation, and abandonment of adults with intellectual disabilities residing in their own homes. Even with the diversion of staff from other core work, DSHS is still not meeting some state and federal complaint processing requirements. For the Developmental Disabilities Administration (DDA), supported living providers would pay an \$856 per client fee to cover the existing costs of supported living investigations and an additional 6.9 FTE. DDA requires \$7,074,000 (\$0 GF-State) for these positions. However, refinancing the supported living investigator unit in the ALTSA budget request results in a net savings GF-State savings for the state.

PROBLEM STATEMENT

The Residential Care Services (RCS) Supported Living Unit’s mission is to ensure abuse and neglect are identified and vulnerable adults living in their own homes are protected. State law and regulations require DSHS to initiate provider practice investigations related to abuse, neglect, and financial exploitation of supported living clients residing in their own homes. Since assuming responsibility for investigating the DDA supported living program’s provider practice complaints, RCS has received more calls of complaints than current staffing can manage. The Supported Living program serves approximately 4,000 developmentally disabled clients supported by 142 Supported Living providers statewide.

RCS performs regulatory compliance inspections or evaluations at least every two years in addition to investigating complaints related to provider practice. Follow-up visits are made to ensure regulatory violations do not continue. If a report is substantiated, or if pattern of significant non-compliance with the regulations is identified, the DSHS may take enforcement action, ranging from sanctions on a named individual, provisional certification or decertification, or termination of program certification.

Trend in Supported Living Investigations
Since FY13



DSHS VISION

People are healthy • People are safe • People are supported • Taxpayer resources are guarded

DSHS MISSION

To transform lives

DSHS VALUES

Honesty and Integrity • Pursuit of Excellence • Open Communication • Diversity and Inclusion • Commitment to Service

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The Supported Living investigation program is currently funded with GF-State and federal Medicaid match. Assisted Living Facilities and Adult Family Homes pay provider license fees to help cover the cost of oversight in those settings. Supported living providers do not pay any fee to help cover the cost of investigations and oversight. Providers serving clients that have their care primarily financed using Medicaid would receive reimbursement of their fees in their daily rates. Over 99 percent of Supported Living clients are Medicaid clients.

Additional investigators are necessary to ensure the health and safety of clients so that complaints are investigated in a timely manner. In addition, complaint investigators may identify deficient provider practice issues and thus address problems related to certification standards before they become serious. In order to address these growing needs, staff had to be temporarily diverted from other core work areas.

PROPOSED SOLUTION

Funding an additional 6.9 complaint investigator positions for the Supported Living unit will allow the DSHS the ability to achieve its core mission of protecting the health and safety of vulnerable adults living in their own homes in the community. Additional complaint investigators will help maintain regulatory standards and accountability for providers and help protect individuals with developmental disabilities from abuse, neglect, financial exploitation, and abandonment. The effect of identification and remediation of failed provider practice may also result in more stable housing options for adults with developmental disabilities living in the community.

An annual certification fee of \$856 per client paid by supported living providers will fund the additional investigators and eliminate the GF-State appropriation. The supported living clients are over 99 percent Medicaid, and the fee for all Medicaid clients will be refunded to the provider over the course of the following year, reimbursed through their Medicaid rates. The funding amount requested in this item is only for the portion used to reimburse this group of providers for their fees.

EXPECTED RESULTS

Funding this request, will result in the following outcomes:

- Save GF-State dollars.
- Reduce risk of client health and safety jeopardy.
- Maintain clients' quality of life.
- Timely on-site verification of corrective action plans resulting from complaint investigations.
- Ensure community based residential options for people with developmental disabilities.
- Adherence to state law and regulations so that complaints will be investigated timely.
- Meet state performance measures.
- Reduce risk of liability for DSHS.

STAKEHOLDER IMPACT

The proposal is expected to have support from consumer advocate stakeholders. In the past, Disability of Rights of Washington (DRW) has expressed concerns about the supported living complaint backlog. In a previous proposed bill, the Supported Living provider association was neutral on using a fee to fund investigators.

Agency Contact: Bryan Way, (360) 902-7769

Program Contact: Candace Goehring, (360) 725-2401

OTHER CONNECTIONS

Performance Outcomes/Important Connections

1. Does this DP provide essential support to one or more of the Governor's Results Washington priorities?

Goal 4: Healthy & Safe Communities - Healthy People - Provide access to good medical care to improve people's lives.

2. The decision package meets the following DSHS' strategic objectives:

1.1: Identify individual health and welfare needs in a timely manner in order to support individuals to have healthy and active lives.

3. Identify other important connections or impacts below. (Indicate 'Yes' or 'No'. If 'Yes' identify the connections or impacts related to the proposal.)

a) Regional/County impacts? No

b) Other local government impacts? No

c) Tribal government impacts? No

d) Other state agency impacts? No

e) Responds to specific task force, report, mandate or executive order? No

f) Does request contain a compensation change or require changes to a Collective Bargaining Agreement? No

g) Facility/workplace needs or impacts? No

h) Capital budget impacts? No

i) Is change required to existing statutes, rules or contracts? No

j) Is the request related to litigation? No

k) Is the request related to Puget Sound recovery? No

l) Other important connections? N/A

4. Please provide a detailed discussion of connections/impacts identified above.

N/A

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Alternatives/Consequences/Other

5. What alternatives were explored by the agency, and why was this alternative chosen?

If this request is not adopted, clients could continue to be at risk for health and safety issues. Additionally, DSHS will continue being unable to meet state law and state performance measures. Currently, in order to meet requirements, the DSHS must use unfunded staff positions. This puts DSHS over budget and is an unsustainable practice. DSHS cannot continue funding these positions without having the money allocated for these purposes.

The other alternative considered was to request additional GF-State and federal matching funds to add Supported Living investigators, but was not chosen for two reasons. First, GF-State resources are limited. Second, using a provider fee to fund the oversight of the residential program puts the SL program in the same financing structure as the oversight of Assisted Living and Adult Family Home programs, rather than continuing to use GF-State and federal matching funds.

6. How has or can the agency address the issue or need within its current appropriation level?

There is no way to address this need within the current appropriation level. The choices are either to not comply with the statutory requirements and risk client health and safety, or to continue the temporary use of investigators from other programs.

7. Does this decision package include funding for any IT-related costs (hardware, software, services, cloud-based services, contracts or IT staff)?

- No**
- Yes (Include an IT Addendum)**

Fiscal Detail**040 - PL - DP - Supported Living Investigators**

Operating Expenditures	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
001-7 General Fund-Priv-Loc	1,768,000	1,768,000	1,768,000	1,768,000
001-C General Fund-Medicaid	1,769,000	1,769,000	1,769,000	1,769,000
Total Cost	3,537,000	3,537,000	3,537,000	3,537,000
Staffing	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
FTEs	0.0	0.0	0.0	0.0

Performance Measure Detail

Activity:	Incremental Changes			
	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
Program: 040				
D087 Residential Program	0	0	0	0
No measures submitted for package				

Object Detail

	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
N Grants, Benefits, and Client Services	3,537,000	3,537,000	3,537,000	3,537,000
Total Objects	3,537,000	3,537,000	3,537,000	3,537,000

DSHS Source Detail**Overall Funding**

Operating Expenditures	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
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Fund 001-7, General Fund-Priv-Loc**Sources Title**

5417 Contributions & Grants	1,768,000	1,768,000	1,768,000	1,768,000
Total for Fund 001-7	1,768,000	1,768,000	1,768,000	1,768,000

Fund 001-C, General Fund-Medicaid**Sources Title**

19TA Title XIX Assistance (FMAP)	1,769,000	1,769,000	1,769,000	1,769,000
Total for Fund 001-C	1,769,000	1,769,000	1,769,000	1,769,000

Total Overall Funding	3,537,000	3,537,000	3,537,000	3,537,000
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2017-19 Biennial Budget

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Projected Beds/Clients	FY17 Estimate	FY18 Estimate	FY19 Estimate
Total Beds	3,997	4,051	4,051
Medicaid Clients	3,997	4,051	4,051

Projected Fee	FY17 Estimate	FY18 Estimate	FY19 Estimate
Current/Proposed Fee *	\$ -	\$ 856	\$ 856
Revenue Projection	\$ -	\$ 3,468,000	\$ 3,468,000
Incremental Increase	\$ -	\$ 856	\$ -

Growth Factor 0.00%

Expenditures	FY17 Estimate	FY18 Estimate	FY19 Estimate
Expended/Estimated	\$ 2,400,000	\$ 3,399,000	\$ 3,399,000
FY18 Rate Increase		3,537,000	3,537,000
FY19 Rate Increase			0
Total Expenditures	\$ 2,400,000	\$ 6,936,000	\$ 6,936,000

Split Total Cost in Available Funds	FY15	FY18 Estimate	FY19 Estimate
Revenue Projection	\$ -	\$ 3,468,000	\$ 3,468,000
Federal (Match to Revenue Projection)	\$ -	\$ 3,468,000	\$ 3,468,000
Subtotal of Available Funds	\$ -	\$ 6,936,000	\$ 6,936,000
Balance - State/Federal Still Required	\$ 2,400,000	\$ -	\$ -
State	1,200,000	-	-
Federal	1,200,000	-	-

How much GFS Available	FY17 Estimate	FY18 Estimate	FY19 Estimate
Expended	\$ 1,210,000	\$ 1,210,000	\$ 1,210,000
GF-S Savings	\$ 1,210,000	\$ 1,210,000	\$ 1,210,000

RATE IMPACT

	FY17 Estimate	FY18 Estimate	FY19 Estimate
DDA (H52) TOTAL	\$ -	\$ 3,537,000	\$ 3,537,000
GF-State	\$ -	\$ -	\$ -
Federal	\$ -	\$ 1,769,000	\$ 1,769,000
Local	\$ -	\$ 1,768,000	\$ 1,768,000

OVERSIGHT COST IMPACT

ALSA TOTAL	\$ -	\$ 1,000,000	\$ 1,000,000
GF-State	\$ -	\$ (1,210,000)	\$ (1,210,000)
Federal	\$ -	\$ 496,000	\$ 496,000
Local	\$ -	\$ 1,714,000	\$ 1,714,000

2017-19 Biennial Budget

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TOTAL BUDGET STEPS

DDA TOTAL	\$	-	\$	3,537,000	\$	3,537,000
GF-State	\$	-	\$	-	\$	-
Federal	\$	-	\$	1,769,000	\$	1,769,000
Local	\$	-	\$	1,768,000	\$	1,768,000
AL TSA TOTAL	\$	-	\$	1,000,000	\$	1,000,000
GF-State	\$	-	\$	(1,210,000)	\$	(1,210,000)
Federal	\$	-	\$	496,000	\$	496,000
Local	\$	-	\$	1,714,000	\$	1,714,000
GRAND TOTAL	\$	-	\$	4,537,000	\$	4,537,000
GF-State	\$	-	\$	(1,210,000)	\$	(1,210,000)
Federal	\$	-	\$	2,265,000	\$	2,265,000
Local	\$	-	\$	3,482,000	\$	3,482,000