Developmental Disabilities Administration

040 - PL - KH - CMO REGULATORY COMPLIANCE

Agency Submittal: 21-2018 Suppl Agency Req

Budget Period: 2017-19

REQUEST

The Department of Social and Health Services (DSHS) Consolidated Maintenance & Operations (CMO) requests $2,831,000 ($2,180,000 GF-State) and 16.0 FTEs in order to address the deterioration and degradation of physical assets along with addressing the federal regulatory compliance requirements established by Centers for Medicaid and Medicare Services (CMS). Of this amount, it is requested that $1,301,000 ($650,000 GF-State) and 7.1 FTEs are appropriated to the Developmental Disabilities Administration.

PROBLEM STATEMENT

The institutions that hundreds of people call home are in a state of continuous deterioration. The current CMO staffing is inadequate to comply with regulating entities and to keep up with basic maintenance at DSHS facilities. By conservative estimate, CMO requires 272,941 labor hours each fiscal year for eight identified job classes to meet all regulatory, preventative, programmatic, and corrective maintenance. CMO is currently funded for 144,884 labor hours, or a shortfall of 128,557 hours (86.2 FTE). Please see attached backup for calculations. CMO needs 32.0 FTEs simply to be in compliance with CMS’s Environment of Care regulations.

Failure to maintain Western State Hospital (WSH) facilities in accordance with regulations contributed to the Systems Improvement Agreement (SIA) initiated by CMS on June 2, 2016. On July 1, 2017, forty-seven additional K- Tags were added to the existing eighty-nine environment of care violations, further exacerbating the CMO understaffing problem. Failure to meet these requirements contributes to the risk of losing CMS accreditation and approximately $55,000,000 of annual federal funding.

Surveys conducted by CMS at other facilities contain several environment of care findings that could result in increased regulatory scrutiny and potential loss of federal funding. Eastern State Hospital (ESH) has issues regarding fostering a safe environment for patients due to the presence of an excessive amount of accessible ligature points. Three Program Area Teams (PAT) at the Rainier School (RS) and one at Fircrest are in Denial of Payment status with CMS partially due to environment of care findings.

In order to maintain basic life safety equipment and structures, which will satisfy CMS standards, CMO needs more FTEs. The attached backup calculations identify CMO’s work order schedules, conservative MTTR (mean-time-to-repair), and available technician hours.

PROPOSED SOLUTION

In order to continue correcting survey findings and to sustain compliance after the findings are corrected, CMO is requesting 32.0 priority permanent FTEs out of 86.2 needed (detailed breakdown in the chart below).
The following is a summary of what survey findings and Environment of Care regulations each job classification will address.

1. **Carpenter** – Will address CMS findings regarding fire doors and fire walls as well as anti-ligature projects directly related to WSH SIA and TJC findings at ESH (KTag 363, KTag 372, and KTag 364). They will also be responsible for preventative maintenance regarding the KTag 200 series and KTag 300 series. Most notably the KTag 300 series requires annual inspection and maintenance of all fire doors in a facility. To give an idea of the scope of work required for this, WSH has over 2000 fire doors that will need an annual inspection.

2. **Electrician** – Will address the fire alarm and hospital grade electrical outlet findings from the WSH SIA May 2017 re-inspection survey (K919, K920, and K921). They will also continue to perform maintenance to stay in compliance with the KTag 300 series (fire protection), KTag 900 series (electrical systems), and KTag 531 (Elevators).

3. **Electrician Lead** – This position is specific to Rainier School. There are currently two electrician positions at RS. The electrician lead position will be responsible for planning and coordinating the work of the other two electricians and performing work (working lead) related to the KTag 300 series and KTag 900 series regulations.

4. **Grounds and Nursery Specialist 4** – This position is specific to ESH and directly related to Environment of Care (KTag 100 specifically). This location receives an abundance of snow and ice every winter. The current staffing level for snow removal is inadequate, thus the request for this position. During spring and summer this position will be responsible for maintaining the grounds of ESH (roadways, walkways, gardens, etc.).
5. **Heating, Ventilation, Air Conditioning (HVAC) Technician** – Will address the KTag 300 series and KTag 500 (HVAC systems) series regulations requiring semiannual inspections of smoke dampers and ventilation systems.

6. **Maintenance Mechanic 1** – Will address the non-journeyman level work required throughout all CMS regulations (all KTags). This work includes monthly inspections of all fire extinguishers (WSH has over 3000 fire extinguishers), replacing HVAC filters, and minor maintenance of fire protection systems, mechanical systems, and life safety equipment.

7. **Maintenance Mechanic 2** - Will be responsible for a variety of regulatory work spread across all KTags. Most notably they will be responsible for assisting HVAC technicians and plumbers with their regulatory compliance. They will also be solely responsible for tracking and performing mechanical work needed for elevators (KTag 531).

8. **Maintenance Mechanic 3** – This position is specific to WSH. It will hold a National Institute Certification in Engineered Technologies 2 license required to perform day to day maintenance on sprinkler systems. This position will oversee KTag 300 series addressing the inspection and maintenance of fire sprinkler systems.

9. **Painter** – These positions are directly tied to the original WSH CMS survey finding (Document #2). They address patient safety issues such as peeling paint in the bedrooms and wards. In order to keep up with paint refreshes every 6 years per ward, two additional FTEs are required. WSH CMO has completed 9 ward painting refreshes out of 30. It will take another 2 to 3 years to complete the first round of refreshes. After such time there will be a need to keep them on schedule.

10. **Plumber** – Will address the findings related to fire sprinkler systems in the original CMS SIA survey (Document #2) and the May 2017 re-inspection survey (Document #3). They will also continue the maintenance required by the KTag 300 series and backflow testing requirements.

11. **Plumber Supervisor** – This position is specific to Rainier School. There is currently three plumber positions at RS. The Plumber Supervisor position will be responsible for tracking the work of the other three plumbers and performing the work (working supervisor) related to the KTag 300 series regulations.

### EXPECTED RESULTS

By funding this request, CMO will complete work from the current CMS survey findings (WSH SIA included) and continue ensuring compliance on all CMS environment of care regulations. If this request is not funded, there will continue to be a safety risk for some of the state’s most vulnerable clients as well as the staff and communities surrounding the institutions. Not funding this request will result in the continued neglect of the department’s aging facilities and could result in the loss of federal funding.

### STAKEHOLDER IMPACT

All primary stakeholders are in support of this budget request. There is no known opposition.
Performance Outcomes/Important Connections

1. Does this DP provide essential support to one or more of the Governor’s Results Washington priorities?
Goal 5: Efficient, Effective & Accountable Government - Customer Satisfaction and Confidence - 1.1 Increase customer services. *Note: Customers are the facilities of DSHS as well as the clients housed in each facility.*
Goal 4: Healthy & Safe Communities - Healthy People - Provide access to good medical care to improve people’s lives.

2. 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? Yes.
   f) Does request contain a compensation change or require changes to a Collective Bargaining Agreement? No.
   g) Facility/workplace needs or impacts? Yes.
   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? None

3. Please provide a detailed discussion of connections/impacts identified above.
This package is in response to the ever-growing regulatory compliance measures regarding life safety and environment of care at all DSHS facilities and the need to provide safe comfortable residences for our clients. CMO needs more FTEs in order to be in compliance with regulating agencies such as, Centers for Medicaid and Medicare, State Fire Marshal, Labor and Industries, and Department of Health. For example, the CMS recently adopted the “National Fire Protection Agency 101: Life Safety” (Version 2012). This updated version sets forth new and/or stricter requirements regarding life safety at facilities. CMO currently does not have the staff to meet the requirements along with the day to day maintenance tasks.

Approval of the decision package will positively impact five DSHS facilities: Western State Hospital, Eastern State Hospital, Fircrest School, Rainier School, and Lakeland Village. It will enable facilities to meet regulatory compliance requirements thus minimizing the risk of federal funding loss and fines resulting from failure to comply. CMO will be able to provide sustained compliance with CMS.

Alternatives/Consequences/Other

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

CMO is currently implementing the alternative through the hiring of non-permanent staff, trading for less priority work, and requesting supplemental/project funding. However, this alternative is not the permanent solution to the core issue. CMO has no other choice available but to request the necessary FTEs it realistically needs to meet all its requirements.

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

CMO cannot address the current service demand within its current appropriation level. When it is absolutely necessary to spend, CMO negotiates with the institutions’ management for additional funding; therefore, trading off direct-client service for capital maintenance resources.

6. 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 - KH - CMO Regulatory Compliance**

#### Operating Expenditures

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<th>Fund</th>
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<th>FY 2019</th>
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#### Staffing

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### Performance Measure Detail

**Incremental Changes**

Activity: 040

Program: 0011 General Fund-State

Program: 19TA Title XIX Assistance (FMAP)

No measures submitted for package

#### Object Detail

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### DSHS Source Detail

#### Overall Funding

Operating Expenditures

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Fund 001-C, General Fund-Medicaid

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