



Adult Family Home Council

OF WASHINGTON STATE

Adult Family Home Liability Insurance History

Adult Family Home Insurance Requirements

General Liability Insurance

From DSHS Central Contracts and Legal Services 1080XS Adult Family Home

The Contractor shall maintain Commercial General Liability Insurance or Business Liability Insurance, no less comprehensive than coverage under Insurance Service Offices, Inc. (ISO) form CG 00-01, including coverage for bodily injury, property damage, and contractual liability. The amount of coverage shall be no less than \$1,000,000 per occurrence and \$2,000,000 General Aggregate. The policy shall include liability arising out of the parties' performance under this Contract, including but not limited to premises, operations, independent contractors, products-completed operations, personal injury, advertising injury, and liability assumed under an insured contract. The State of Washington, Department of Social & Health Services (DSHS), its elected and appointed officials, agents, and employees of the state, shall be named as additional insureds.

\$1,000,000 per occurrence; and \$2,000,000 General Aggregate. The State of Washington, DSHS, its elected and appointed officials, agents, and employees shall be named as additional insureds.

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1244

Chapter 564, Laws of 2009

(partial veto)

61st Legislature
2009 Regular Session

OPERATING BUDGET

EFFECTIVE DATE: 05/19/09

Passed by the House April 24, 2009
Yeas 54 Nays 42

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 25, 2009
Yeas 29 Nays 20

BRAD OWEN

President of the Senate

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE HOUSE BILL 1244 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

Excerpts from Page 321

The department shall implement phase one of full implementation of a seventeen CARE level payment system for community residential providers. Amounts appropriated in this section are sufficient to increase adult family home provider payment rates on average, effective July 1, 2008, including those currently receiving exceptional care rates, and to adjust adult family home rates for the first phase of a seventeen CARE level payment system

Amounts provided in this section and in section 205 of this act are sufficient to assist adult family home providers with the cost of paying liability insurance

Adult Family Home Insurance Requirements

WAC 388-76-10191

Liability insurance required.

The adult family home must:

(1) Obtain and maintain both:

(a) Commercial general liability insurance or business liability insurance covering the adult family home;

and

(b) Professional liability insurance or errors and omissions insurance covering the adult family home.

(2) Obtain the liability insurance required in subsection (1) of this section before whichever of the following events happens first:

(a) Admitting the first resident after issuance of a new adult family home license; or

(b) 10 working days have passed since the issuance of the license.

(3) Have evidence of liability insurance coverage available if requested by the department.

(4) Notify the department's complaint resolution unit if there is any lapse in required liability insurance coverage.

*Filed October 2, 2009

Adult Family Home Insurance Requirements

WAC 388-76-10192

Liability insurance required—Coverage requirements.

(1) The liability insurance coverage required under WAC [388-76-10191](#) must include:

- (a) Losses or allegations or both caused by errors and omissions of the adult family home or its employees or volunteers;
- (b) Coverage for bodily injury, property damage, and contractual liability; and
- (c) Coverage for premises, operations, products-completed operations, personal injury, advertising injury, and liability assumed under an insured contract.

(2) Each of the required liability insurance policies must cover a minimum limit of:

- (a) Each occurrence at \$500,000; and
- (b) General aggregate at \$1,000,000.

(3) The liability insurance policies must indemnify, hold harmless, and provide insurance coverage for the State of Washington, the department, its elected and appointed officials, agents, and employees of the state for any and all claims, losses, liability, damages, or fines arising out of the acts or omissions of the adult family home licensee, its staff, contractors, and residents. The State of Washington, the department, its elected and appointed officials, agents, and employees must be listed as additional insureds on all insurance policies relating to the operation or premises of the adult family home.

(4) If the home serves residents whose care is paid for by medicaid, the medicaid contract may require a higher minimum insurance limit.

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Gregoire calls for review of adult family homes

Gov. Chris Gregoire has ordered the Department of Social and Health Services to review its oversight of the adult-family-home industry, including each case of mistreatment detailed this week in a Seattle Times investigation.

By **Michael J. Berens**
Seattle Times staff reporter

Gov. Chris Gregoire has ordered the Department of Social and Health Services to review its oversight of the adult-family-home industry, including each case of mistreatment detailed this week in a Seattle Times investigation.

The three-part series, *Seniors for Sale*, revealed that thousands of vulnerable adults have been exploited by profiteers and amateur caregivers inside adult homes — sometimes with deadly results.

The homes are a growing, little-regulated housing option for the state's aged and frail. DSHS licenses owners to rent out bedrooms and provide meals and care for up to six residents.



Related

[Gov. Gregoire's letter to DSHS \(PDF\)](#)

[Seattle Times' investigative series | Seniors for Sale](#)

Increased Scrutiny of AFH

Adult Family Home Quality Assurance Panel

Recommendation #10:

DSHS should work with consumers and the LTCOP to create a transparent and consumer friendly website for the family members and residents of AFH and other licensed long-term care facilities in Washington.

The website should be easy to navigate and have a “Consumer/Residents” page with links to important, useful information. Elements of the information included should be:

Explanation of the types of licensed LTC facilities, including AFHs, and the levels of care they can provide and the different specialty designations;

- Lists of suggested questions for a consumer to ask when looking for an AFH or other care facility;
- Warning signs of abuse or neglect;
- Contact information for DSHS and the LTCOP for further information and/or how to file a complaint; and
- Lists of all licensed AFHs in the state by county, and corresponding links for assisted living facilities and nursing homes, providing contact information for the home/facility, the identity of the licensee, any specialty designations held by the home/facility, whether it accepts Medicaid, and links to such information as
- The inspection and investigation reports by DSHS for the prior two years; and
- Enforcement letters/actions by DSHS for the prior two years, including modifications or dismissals of the actions, if any.

Increased Scrutiny of AFH

From RCW 70.128.280

(6) The department shall work with consumers, advocates, and other stakeholders to combine and improve existing web resources to create a more robust, comprehensive, and user-friendly website for family members, residents, and prospective residents of adult family homes in Washington. The department may contract with outside vendors and experts to assist in the development of the website. The website should be easy to navigate and have links to information important for residents, prospective residents, and their family members or representatives including, but not limited to: (a) Explanations of the types of licensed long-term care facilities, levels of care, and specialty designations; (b) lists of suggested questions when looking for a care facility; (c) warning signs of abuse, neglect, or financial exploitation; and (d) contact information for the department and the long-term care ombudsman [ombuds]. In addition, the consumer-oriented website should include a searchable list of all adult family homes in Washington, with **links to inspection and investigation reports and any enforcement actions by the department for the previous three years.** If a violation or enforcement remedy is deleted, rescinded, or modified under RCW 70.128.167 or chapter 34.05 RCW, the department shall make the appropriate changes to the information on the website as soon as reasonably feasible, but no later than thirty days after the violation or enforcement remedy has been deleted, rescinded, or modified. To facilitate the comparison of adult family homes, the website should also include a link to each licensed adult family home's disclosure form required by subsection (2)(a) of this section. The department's website should also include periodically updated information about whether an adult family home has a current vacancy, if the home provides such information to the department, or may include links to other consumer-oriented websites with the vacancy information.

The number of citation was increasing

Calendar Year	Number of Citations
2007	7,415
2008	10,079
2009	13,140
2010	13,080
2011	15,412
2012	15,094
2013	12,433
2014	13,484

Investigation and Inspection report language is deficiency focused

WAC 388-76-10355(2)(5)(7)(c) Negotiated care plan.

The licensee failed to ensure the negotiated care plan (NCP) included interventions for personal and mental health care, special needs, and safety plans with use of medical devices, and outside providers managing care for two residents. This failure placed the residents at risk for unmet care needs, and at risk of harm from not receiving needed care and services.

WAC 388-76-10315(1)(g) Resident record - Required.

The licensee failed to ensure that resident records for one resident were kept, maintained and available for the Department's staff to review when requested. This failure placed the residents currently living in the Adult Family Home (AFH) at risk of harm due to AFH staff not having enough information for each resident to provide care and services.



Investigation and Inspection report language is deficiency focused



Residential Care Services Investigation Summary Report

Provider/Facility: Brighten Adult Family Home **Provider Type:** Adult Family Home LLC

License/Cert. #: 753769

Intake ID: 32425

Compliance Determination #: 8959

Region/Unit #: RCS Region 3 / Unit G

Investigator: Mioara Cretu

Investigation Date(s): 05/20/2022 through 06/14/2022

Complainant Contact Date(s):

Allegation(s):

1. Neglect - Alleged concerns caused named Resident's (NR) death by unknown staff at the adult family home (AFH).
 - a. Concerned NR went too late when 9-1-1 emergency medical services (EMS) came. Died on oxygen.
 - b. Concerned (COVID-19) infection caused death.
 - c. Concerned no EMS notification provided that NR had no-life support order.
 - d. Concerned NR was tied by their ankles to their bed at night and left alone.
 - e. Concerned AFH left residents alone at night when AFH owner returned to home in King County.
 - f. Concerned when law enforcement (LE) did a welfare check and no one answered the door.
 - g. Concerned about improper meals served of bread and turkey or chicken for days.
 - h. Concerned residents are sitting in their pee.
 - i. Concerned about bed sore care.
 - j. Concerned about AFH owner who runs AFH with no staff.



CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5092

Chapter 334, Laws of 2021
(partial veto)

67th Legislature
2021 Regular Session

OPERATING BUDGET

EFFECTIVE DATE: May 18, 2021

Passed by the Senate April 25, 2021
Yeas 27 Nays 22

DENNY HECK
President of the Senate

Passed by the House April 25, 2021
Yeas 57 Nays 40

LAURIE JINKINS
**Speaker of the House of
Representatives**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5092** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

Excerpt from Page 152

Within existing appropriations, and no later than December 31, 2021, the department of social and health services must work with stakeholders to consider modifications to current practices that address the current challenges adult family homes are facing with acquiring and maintaining liability insurance coverage. In consultation with stakeholders, the department of social and health services must:

- (a) Transition language contained in citation and enforcement actions to plain talk language that helps insurers and consumers understand the nature of the regulatory citations; and**
- (b) Display the severity and resolution of citation and enforcement actions in plain talk language for consumers and insurers to better understand the nature of the situation**

LIABILITY INSURANCE

Concerns from AFH Providers:

- Inspection and investigation reports used to determine insurance rates
- Inaccurate/unsubstantiated allegations posted online
- Liability Insurance premiums are skyrocketing
- Coverage refusal
- Underwriting restrictions
- Displacement of residents due to lack of liability insurance



LIABILITY INSURANCE



**Underwriting
Restrictions**



WAC 388-76-10191 The adult family home must obtain and maintain both commercial/business liability insurance and professional liability insurance



SOLUTION

Legislative Bill: Modify the content of the consumer-oriented website outlined in RCW 70.128.280 by removing unsubstantiated allegations and minor infractions posted DSHS's website.

Legislative Budget Proviso: Provide funding to the commissioner to convene an adult family home liability insurance workgroup and report its findings to the appropriate committees of the legislature.

LIABILITY INSURANCE

House Bill 2347



An ACT relating to website information published by the department of social and health services regarding adult family homes

28 addition, the consumer oriented website should include a searchable
29 list of all adult family homes in Washington, with links to
30 ~~((inspection and investigation reports and any enforcement actions by~~
31 ~~the department for the previous three years))~~ the following documents
32 and information for the previous three years: (i) Deficiency-free
33 inspection letters; (ii) statements of deficiency related to
34 inspection visits; (iii) statements of deficiency related to
35 complaint investigations requiring an attestation of correction; (iv)
36 notices of return to compliance related to (ii) and (iii) of this
37 subsection; and (v) enforcement action notices issued by the
38 department. If a violation or enforcement remedy is deleted,
39 rescinded, or modified under RCW 70.128.167 or chapter 34.05 RCW, the
40 department shall make the appropriate changes to the information on

LIABILITY INSURANCE

LIABILITY INSURANCE WORKGROUP



\$400,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for the commissioner to convene and chair an adult family home liability insurance workgroup.



The work group shall:

Review the availability and cost of liability insurance for adult family homes;

Identify obstacles to adult family homes access to liability insurance including underwriting restrictions, market conditions, as well as legal and regulatory requirements;

Evaluate the financial risk to adult family homes, their residents, the state Medicaid program, and others that exist as a result of the increased cost of insurance, or in the event adult family homes are uninsured due to a lack of access to coverage; and

Make policy recommendations to improve access to liability insurance coverage for adult family homes.

Questions?

