

Mr. Chairman and members of the Committee, good morning and thank you for the opportunity to present this rule docket. I am Steve Millward, program manager for the Certified Family Home Program in the Division of Licensing and Certification. Rule Docket 16-0319-1901 adds protections to vulnerable adults living in certified family homes. You can find this docket on Page 1217 in your pending rules review book. <<PAUSE>>

This docket was developed with the goals of the Governor's *Red Tape Reduction Act* in mind. There was a net increase of only 23 words, including an increase of 3 restrictive words. This entire chapter was recently rewritten in 2017-2018 with very strong stakeholder involvement, through which the rules were clarified, simplified, and streamlined, so no major changes were made in this docket.

The purpose of the Certified Family Home Program is to provide care in a homelike, family-styled setting for between one (1) and four (4) vulnerable adults who live in their care provider's personal residence. A certified family home provides care to adults who are elderly, or who have mental illness, developmental disabilities, or physical disabilities, and whose mental, emotional, and physical needs can be met by the care provider. Certification as a certified family home allows the provider to receive financial compensation for care given to such residents as an alternative to more expensive institutional care. There are currently over 2500 certified family homes in operation statewide.

This past spring, the Department offered opportunities for stakeholders to engage in negotiated rulemaking. Sessions were held in all seven regions across the state. Although the Department did not receive any feedback through the negotiated rulemaking process, these proposed rule changes were discussed on multiple occasions in 2019 with the Community Care Advisory Council, which is

comprised of 20 stakeholders representing various interests in the certified family home and residential care or assisted living settings. This council voted unanimously to support the rule changes presented before the Committee today.

These pending rules will do two things: (1) require that the provider, substitute caregivers, and other adults in the home (besides the vulnerable adult residents) renew their clearance of a Department criminal history and background check at least every five years; and (2) allow the Department to deny the application for a certificate when the applicant has had disciplinary action on a child care or foster care license.

Regarding criminal history and background checks, the more frequent the clearance renewal, the safer it is for the resident, but also the higher the expense to the provider. While this rule change does not impact the Department financially as providers pay for these checks themselves, the Department is sensitive to balancing operating costs for providers while keeping residents safe. The policy for licensed child care workers is renewal of criminal history clearances every five years. The Certified Family Home Program agrees that a five-year renewal period is frequent enough to regularly screen out bad actors without putting too high a cost burden on the provider. The Department retains the right to require a provider to renew his clearance prior to the five-year minimum timeframe when it becomes aware of issues that may impact the status of the clearance.

Moving on from criminal history and background checks, collaboration between the Divisions of Licensing & Certification and Family & Community Services identified a blind spot in thoroughly checking the history of certified family home applicants who previously cared for children. There are currently no barriers

preventing an individual whom the Department will not license to care for children to be certified as a certified family home provider.

Section 113 of certified family home rules list reasons for denying an application. This list in its current form omits consideration of issues with foster or child care licenses. Because vulnerable adults receiving services in certified family homes are often as susceptible to abuse, neglect, and exploitation as children, the Department seeks to be consistent in preventing those who are not allowed a license to care for children to be certified to care for vulnerable adults. This rule change will help accomplish this objective.

This concludes my presentation of the pending rule changes. I respectfully ask that you approve as final Rule Docket 16-0319-1901, and I am happy to stand for questions.