

IN THE SENATE

SENATE BILL NO. 1043

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1
2 RELATING TO CERTIFIED FAMILY HOMES; AMENDING SECTION 39-3502, IDAHO CODE,
3 TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SEC-
4 TION 39-3512, IDAHO CODE, TO PROVIDE THAT MEDICAL FOSTER HOMES ARE EX-
5 EMPT FROM CERTIFICATION REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES AND
6 TO MAKE TECHNICAL CORRECTIONS.

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 39-3502, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 39-3502. DEFINITIONS. As used in this chapter:

11 (1) "Abuse" means a nonaccidental act of sexual, physical or mental
12 mistreatment or injury of a resident through the action or inaction of an-
13 other individual.

14 (2) "Activities of daily living" means the performance of basic self-
15 care activities in meeting an individual's needs to sustain him in a daily
16 living environment.

17 (3) "Adult" means a person who has attained the age of eighteen (18)
18 years.

19 (4) "Advocate" means an authorized or designated representative of a
20 program or organization operating under federal or state mandate to repre-
21 sent the interests of a population group served by the certified family home.

22 (5) "Assessment" means the conclusion reached using uniform criteria
23 which identifies resident strengths, weaknesses, risks and needs, to in-
24 clude functional, medical and behavioral. The assessment criteria shall be
25 developed by the department and the advisory council.

26 (6) "Board" means the board of health and welfare.

27 (7) "Care provider" means the adult member of the home family responsi-
28 ble for maintaining the certified family home. The care provider and the le-
29 gal owner may not necessarily be the same person. The care provider must live
30 in the home.

31 (8) "Certified family home" means a family-styled living environment
32 in which two (2) or fewer adults live who are not able to reside in their own
33 home and who require care, help in daily living, protection and security, su-
34 pervision, personal assistance and encouragement toward independence.

35 (9) "Certifying agent" means a person acting under the authority of the
36 department to participate in the certification, inspection, and regulation
37 of a family home.

38 (10) "Chemical restraint" means any drug that is used for discipline or
39 convenience and not required to treat medical symptoms.

40 (11) "Client" means any person who receives financial aid and/or ser-
41 vices from an organized program of the department.

1 (12) "Core issues" means abuse, neglect, exploitation, inadequate
 2 care, inoperable fire detection or extinguishing systems with no fire watch
 3 in place pending the correction of the system, and situations in which advo-
 4 cates, representatives and department certification staff are denied access
 5 to records, residents, or the certified family home.

6 (13) "Department" means the Idaho department of health and welfare.

7 (14) "Director" means the director of the Idaho department of health and
 8 welfare.

9 (15) "Exploitation" means the misuse of a vulnerable adult's funds,
 10 property or resources by another person for profit or advantage.

11 (16) "Governmental unit" means the state, any county, any city, other
 12 political subdivision, or any department, division, board or other agency
 13 thereof.

14 (17) "Home family" means all individuals related by blood, marriage, or
 15 adoption, other than residents, residing in the certified family home.

16 (18) "Inadequate care" occurs when a certified family home fails to
 17 provide the services required to meet the terms of the negotiated plan of
 18 service or provide for room, board, activities of daily living, supervision,
 19 first aid, assistance and monitoring of medications, emergency interven-
 20 tion, coordination of outside services, or a safe living environment; or
 21 engages in violations of residents' rights or takes residents who have been
 22 admitted in violation of the provisions of section 39-3507, Idaho Code.

23 (19) "Medical foster home" means a private home approved by the depart-
 24 ment of veterans affairs in which a caregiver provides long-term primary
 25 health care to veteran residents with serious chronic disease and disabil-
 26 ity, as described in 38 CFR part 17.

27 (20) "Neglect" means failure to provide food, clothing, shelter, or
 28 medical care necessary to sustain life and health of a resident.

29 (201) "Negotiated service agreement" means the agreement reached by the
 30 resident or their representative, if applicable, and the facility, based on
 31 the assessment, physician's orders if any, admission records if any, and de-
 32 sires of the resident, and which outlines services to be provided and the
 33 obligations of the certified family home and the resident.

34 (212) "Personal assistance" means the provision by the certified family
 35 home of one (1) or more of the following services:

36 (a) Assisting the resident with activities of daily living.

37 (b) Arranging for supportive services.

38 (c) Being aware of the resident's general whereabouts.

39 (d) Monitoring the activities of the resident while on the premises of
 40 the facility to ensure the resident's health, safety and well-being.

41 (223) "Political subdivision" means a city or county.

42 (234) "Representative of the department" means an employee of the de-
 43 partment.

44 (245) "Resident" means an adult who lives in a certified family home and
 45 who requires personal assistance or supervision.

46 (256) "Room and board" means lodging and meals.

47 (267) "Substantial compliance" means a certified family home has no
 48 core issue deficiencies.

1 (278) "Substitute caregiver" means an adult designated by the certified
2 family home provider to provide care and services in a certified family home
3 in the temporary absence of the regular care provider.

4 (289) "Supervision" means administrative activity which provides the
5 following: protection, guidance, knowledge of the resident's whereabouts
6 and monitoring activities. The care provider is responsible for providing
7 appropriate supervision based on each resident's negotiated service agree-
8 ment.

9 (2930) "Supportive services" means the specific services that are pro-
10 vided to the resident in the community and that are required by the negoti-
11 ated service agreement or reasonably requested by the resident.

12 SECTION 2. That Section 39-3512, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 39-3512. APPLICATION OF PROVISIONS. (1) Any individual providing
15 care and housing commercially to the elderly, or individuals with mental
16 illness, developmental disabilities, or physical disabilities shall at a
17 minimum, meet the requirements of this chapter or other provision of law
18 governing care and housing for the elderly, individuals with mental illness,
19 developmental disabilities, or physical disabilities if those provisions
20 are more restrictive.

21 (2) Medical foster homes are exempt from the certification require-
22 ments under this chapter if the home provides care only to veterans who are
23 not medicaid recipients and who are approved by the department of veterans
24 affairs to receive care in the home.

25 (3) Homes that provide care to nonveterans as well as veterans shall not
26 be exempt from the certification requirements of this chapter.