

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1258**

52nd Legislature  
1992 Regular Session

Passed by the House March 9, 1992  
Yeas 90 Nays 0

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**Speaker of the  
House of Representatives**

Passed by the Senate March 6, 1992  
Yeas 49 Nays 0

\_\_\_\_\_  
**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1258** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1258**

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AS AMENDED BY THE SENATE

Passed Legislature - 1992 Regular Session

**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Health Care (originally sponsored by Representatives Day, Moyer, Prentice, Braddock, Paris and Orr; by request of Department of Health).

Read first time February 18, 1991.

1            AN ACT Relating to nursing home administration; amending RCW  
2 18.52.020, 18.52.030, 18.52.040, 18.52.050, 18.52.110, 18.52.130, and  
3 18.52.140; adding new sections to chapter 18.52 RCW; and repealing RCW  
4 18.52.060, 18.52.100, 18.52.170, and 18.52.070.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 18.52.020 and 1991 c 3 s 116 are each amended to read  
7 as follows:

8            When used in this chapter, unless the context otherwise clearly  
9 requires:

10            (1) "Board" means the state board ~~((of examiners for the~~  
11 ~~licensing)) of nursing home administrators representative of the~~  
12 ~~professions and institutions concerned with the care of the chronically~~  
13 ~~ill and infirm aged patients.~~

14            ~~(2) "Secretary" means the secretary of health or the secretary's~~  
15 ~~designee.~~

1       ~~(3) "Nursing home" means any facility or portion thereof licensed~~  
2 ~~under state law as a nursing home.~~

3       ~~(4) "Nursing home administrator" means an individual ((in active~~  
4 ~~administrative charge of nursing homes as defined herein, whether or~~  
5 ~~not having an ownership interest in such homes, and although functions~~  
6 ~~and duties may be shared with or delegated to other persons: PROVIDED~~  
7 ~~HOWEVER, That)) qualified by education, experience, training, and~~  
8 ~~examination to administer a nursing home. A nursing home administrator~~  
9 ~~administering a nursing home must be in active administrative charge as~~  
10 ~~defined by the board. Nothing in this definition or this chapter shall~~  
11 ~~be construed to prevent any person, so long as he or she is otherwise~~  
12 ~~qualified, from obtaining and maintaining a license even though he or~~  
13 ~~she has not administered or does not continue to administer a nursing~~  
14 ~~home.~~

15       NEW SECTION. Sec. 2. A new section is added to chapter 18.52 RCW  
16 to read as follows:

17       In addition to any other authority provided by law, the secretary  
18 shall have the following authority:

19       (1) To set all fees required in this chapter in accordance with RCW  
20 43.70.250 which may include fees for approval of continuing competency,  
21 supervision of practical experience, all applications, verification,  
22 renewal, examination, and late penalties;

23       (2) To establish forms necessary to administer this chapter;

24       (3) To issue a license to any applicant who has met the education,  
25 training, and examination requirements for licensure and deny a license  
26 to applicants who do not meet the minimum qualifications for licensure,  
27 except that proceedings concerning the denial of licenses based on  
28 unprofessional conduct or impaired practice shall be governed by the  
29 uniform disciplinary act, chapter 18.130 RCW;

1 (4) To employ clerical, administrative, and investigative staff as  
2 needed to implement and administer this chapter and to employ  
3 individuals including those licensed under this chapter to serve as  
4 examiners or consultants as necessary to implement and administer this  
5 chapter; and

6 (5) To maintain the official department record of all applicants  
7 and licensees.

8 **Sec. 3.** RCW 18.52.030 and 1970 ex.s. c 57 s 3 are each amended to  
9 read as follows:

10 (~~On or after July 1, 1970~~) Nursing homes operating within this  
11 state ((must)) shall be under the active, overall administrative charge  
12 and supervision of an on-site full-time administrator licensed as  
13 provided in this chapter. ((An administrator may delegate functions  
14 and duties to other persons.)) No person acting in any capacity,  
15 unless ((he is)) the holder of a nursing home administrator's license  
16 issued under this chapter, shall be charged with the overall  
17 responsibility to make decisions or direct actions involved in managing  
18 the internal operation of a nursing home, except as specifically  
19 delegated in writing by the administrator to identify a responsible  
20 person to act on the administrator's behalf when the administrator is  
21 absent. The administrator shall review the decisions upon the  
22 administrator's return and amend the decisions if necessary. The board  
23 shall define by rule the parameters for on-site full-time  
24 administrators in nursing homes with small resident populations and  
25 nursing homes in rural areas, or separately licensed facilities  
26 collocated on the same campus, as well as provide for the  
27 administrative requirements for nursing homes that are temporarily  
28 without administrators.

1       **Sec. 4.**   RCW 18.52.040 and 1975 1st ex.s. c 97 s 1   are each  
2 amended to read as follows:

3       ~~((There is hereby created a))~~ The state board of ~~((examiners for))~~  
4 nursing home administrators ~~((which))~~ shall consist of nine members  
5 appointed by the governor. ~~((All members shall be representative of~~  
6 ~~the professions and institutions concerned with the care and treatment~~  
7 ~~of chronically ill or infirm elderly patients. However, at no time~~  
8 ~~shall representatives of a single profession or a single institutional~~  
9 ~~category compose a majority of the board membership. In addition, no~~  
10 ~~member who is a noninstitutional representative shall have any direct~~  
11 ~~financial interest in nursing homes while serving as a member of the~~  
12 ~~board. For purposes of this section, nursing home administrators are~~  
13 ~~considered representatives of institutions. Eight of the board's~~  
14 ~~members shall be privately or self-employed persons who the governor~~  
15 ~~finds have had at least four years of actual experience in the~~  
16 ~~administration or overall management of licensed nursing homes in this~~  
17 ~~state immediately prior to the governor's appointment of them to the~~  
18 ~~board; or shall be representatives from the medical professions, or~~  
19 ~~health care administration education, or persons with four years actual~~  
20 ~~experience in the administration of the nursing home unit of a licensed~~  
21 ~~hospital immediately preceding the governor's appointment of them to~~  
22 ~~the board; and shall be privately or self-employed persons, or persons~~  
23 ~~employed by educational institutions, whom the governor appoints~~  
24 ~~because of their special knowledge or expertise in the field of long~~  
25 ~~term care or the care of the aged and chronically ill: PROVIDED, That~~  
26 ~~one member shall be a citizen eligible for medicare who shall have no~~  
27 ~~financial interest in or family ownership connection with nursing~~  
28 ~~homes. Board members selected who meet any of the preceding~~  
29 ~~qualifications may in addition be nurses, physicians or other persons~~  
30 ~~with special health care training.))~~ Four members shall be persons

1 licensed under this chapter who have at least four years actual  
2 experience in the administration of a licensed nursing home in this  
3 state immediately preceding appointment to the board and who are not  
4 employed by the state or federal government.

5 Four members shall be representatives of the health care  
6 professions providing medical or nursing services in nursing homes who  
7 are privately or self-employed; or shall be persons employed by  
8 educational institutions who have special knowledge or expertise in the  
9 field of health care administration, health care education or long-term  
10 care or both, or care of the aged and chronically ill.

11 One member shall be a resident of a nursing home or a family member  
12 of a resident or a person eligible for medicare. No member who is a  
13 nonadministrator representative shall have any direct or family  
14 financial interest in nursing homes while serving as a member of the  
15 board. The governor shall consult with and seek the recommendations of  
16 the appropriate state-wide business and professional organizations and  
17 societies primarily concerned with long term health care facilities in  
18 the course of considering his appointments to the board. Board members  
19 currently serving shall continue to serve until the expiration of their  
20 appointments.

21 **Sec. 5.** RCW 18.52.050 and 1970 ex.s. c 57 s 5 are each amended to  
22 read as follows:

23 Members of the board shall be citizens of the United States and  
24 residents of this state. ~~((Except for the initial appointments to the~~  
25 ~~first board,))~~ All administrator members of the board shall be holders  
26 of licenses under this chapter. ~~((Three members of the board shall be~~  
27 ~~appointed initially for terms of three years, three members shall be~~  
28 ~~appointed for terms of two years, and three members shall be appointed~~  
29 ~~for terms of one year. Thereafter))~~ The terms of all members shall be

1 ((three)) five years. ((Members of the board may be removed by the  
2 governor for cause after appropriate notice and hearing.)) Any board  
3 member may be removed for just cause including a finding of fact of  
4 unprofessional conduct or impaired practice. The governor may appoint  
5 a new member to fill any vacancy on the board for the remainder of the  
6 unexpired term. No board member may serve more than two consecutive  
7 terms, whether full or partial. Board members shall serve until their  
8 successors are appointed. Board members shall be compensated in  
9 accordance with RCW 43.03.240 and shall be reimbursed for travel  
10 expenses as provided in RCW 43.03.050 and 43.03.060. The board may  
11 elect annually a chair and vice-chair to direct the meetings of the  
12 board. The board shall meet at least four times each year and may hold  
13 additional meetings as called by the secretary or the chair.

14 NEW SECTION. Sec. 6. A new section is added to chapter 18.52 RCW  
15 to read as follows:

16 In addition to any authority provided by law, the board shall have  
17 the following authority:

18 (1) To adopt rules in accordance with chapter 34.05 RCW necessary  
19 to implement this chapter;

20 (2) To prepare and administer or approve the preparation and  
21 administration of examinations for licensure;

22 (3) To conduct a hearing on an appeal of a denial of license based  
23 on the applicant's failure to meet the minimum qualifications for  
24 licensure. The hearing shall be conducted pursuant to chapter 34.05  
25 RCW;

26 (4) To establish by rule the procedures for an appeal of an  
27 examination failure;

28 (5) To adopt rules implementing a continuing competency program;

1 (6) To issue subpoenas, statements of charges, statements of intent  
2 to deny licenses, and orders, and to delegate in writing to a designee  
3 to issue subpoenas; and

4 (7) To issue temporary license permits under circumstances defined  
5 by the board.

6 NEW SECTION. **Sec. 7.** A new section is added to chapter 18.52 RCW  
7 to read as follows:

8 The department shall issue a license to any person applying for a  
9 nursing home administrator's license after July 1, 1993, who meets the  
10 following requirements:

11 (1) Successful completion of the requirements for a baccalaureate  
12 degree from a recognized institution of higher learning: PROVIDED,  
13 That if education requirements are adopted by the federal government,  
14 the board may adopt rules requiring educational qualifications to meet  
15 those requirements;

16 (2) Successful completion of a practical experience requirement as  
17 determined by the board;

18 (3) Successful completion of examinations administered or approved  
19 by the board, or both, which shall be designed to test the candidate's  
20 competence to administer a nursing home;

21 (4) At least twenty-one years of age; and

22 (5) Not having engaged in unprofessional conduct as defined in RCW  
23 18.130.180 or being unable to practice with reasonable skill and safety  
24 as defined in RCW 18.130.170. The board shall establish by rule what  
25 constitutes adequate proof of meeting the above requirements.

26 A limited license indicating the limited extent of authority to  
27 administer institutions certified by such church or denomination  
28 teaching religious or spiritual means for healing through prayer, shall  
29 be issued to individuals demonstrating membership in such church or

1 denomination. However, nothing in this chapter shall be construed to  
2 require an applicant certified by any well established and generally  
3 recognized church or religious denomination teaching reliance on  
4 spiritual means alone to demonstrate proficiency in any medical  
5 techniques or to meet any medical educational qualifications or medical  
6 standards not in accord with the remedial care and treatment provided  
7 in such institutions.

8       **Sec. 8.** RCW 18.52.110 and 1991 c 3 s 120 are each amended to read  
9 as follows:

10       (1) Every holder of a nursing home administrator's license shall  
11 reregister (~~((it annually with the secretary))~~) on dates specified by the  
12 secretary (~~((by making application for reregistration on forms provided  
13 by the secretary))~~). Such (~~((reregistration))~~) relicensure shall be  
14 granted (~~((automatically))~~) upon receipt of a fee determined by the  
15 secretary as provided in RCW 43.70.250, and upon fulfilling the  
16 continuing competency requirement. In the event that any license is  
17 not reregistered (~~((within thirty days after the date for reregistration  
18 specified by the secretary))~~), the secretary (~~((shall, in accordance with  
19 rules prescribed by the board, give notice to the license holder, and))~~)  
20 may (~~((thereafter in accordance with rules prescribed by the board))~~)  
21 charge up to double the (~~((normal reregistration))~~) relicensure fee. In  
22 the event that the license of an individual is not (~~((reregistered))~~)  
23 relicensed within two years from the most recent date for  
24 (~~((reregistration))~~) relicensure it shall lapse and such individual must  
25 again apply for licensing and meet all requirements of this chapter for  
26 a new applicant. The board may prescribe rules for maintenance of a  
27 license at a reduced fee for temporary or permanent withdrawal or  
28 retirement from the active practice of nursing home administration.

1 (2) A condition of ((reregistration)) relicensure shall be the  
2 presentation of proof by the applicant that ((he or she has attended  
3 the number of classroom hours of approved educational programs,  
4 classes, seminars, or proceedings set by the board. The board shall  
5 have the power to approve programs, classes, seminars, or proceedings  
6 offered in this state or elsewhere by any accredited institution of  
7 higher learning or any national or local group or society if such  
8 programs, classes, seminars, or proceedings are reasonably related to  
9 the administration of nursing homes. The board shall establish rules  
10 providing that the applicant for reregistration may present such proofs  
11 yearly, or may obtain the cumulative number of required hours over a  
12 three year period and present such proofs over periods of three years.  
13 In no event shall the number of classroom hours required for any time  
14 period exceed the number of such board approved classroom hours  
15 reasonably available over such time period on an adult or continuing  
16 education basis to nonmatriculating participants in this state.

17 (3) An individual may obtain and reregister a license under this  
18 chapter although he or she does not actively engage in nursing home  
19 administration. The licensee shall meet requirements set by the board  
20 to ensure the individual's continued competency)) the board requirement  
21 for continuing competency related to the administration of nursing  
22 homes has been met.

23 **Sec. 9.** RCW 18.52.130 and 1991 c 3 s 121 are each amended to read  
24 as follows:

25 The secretary may issue a nursing home administrator's license to  
26 anyone who holds a current administrator's license from another  
27 jurisdiction upon receipt of an application fee ((determined by the  
28 secretary as provided in RCW 43.70.250)) and an annual license fee,  
29 ((the secretary may issue a nursing home administrator's license,

1 without examination, to any person who holds a current license as a  
2 nursing home administrator from another jurisdiction: PROVIDED, That  
3 the board finds that)) as provided in RCW 43.70.250, if the standards  
4 for licensing in such other jurisdiction are ((at least the  
5 substantial)) substantially equivalent ((of)) to those prevailing in  
6 this state, and that the applicant is otherwise qualified((. In the  
7 event that there is developed a nationally recognized standard for the  
8 licensing of nursing home administrators which is in fact utilized in  
9 licensing procedures on a reasonably uniform basis the board may by  
10 rule or regulation provide for granting reciprocal licensing on a  
11 showing of compliance with such standard)) as determined by the board.

12 **Sec. 10.** RCW 18.52.140 and 1970 ex.s. c 57 s 14 are each amended  
13 to read as follows:

14 It shall be unlawful and constitute a gross misdemeanor for any  
15 person to act or serve in the capacity of a nursing home administrator  
16 unless he or she is the holder of a nursing home administrator's  
17 license issued in accordance with the provisions of this chapter:  
18 PROVIDED HOWEVER, That persons carrying out functions and duties  
19 delegated by a licensed administrator as defined in RCW 18.52.030 shall  
20 not be construed to be committing any unlawful act under this chapter.

21 NEW SECTION. **Sec. 11.** The following acts or parts of acts are  
22 each repealed:

23 (1) RCW 18.52.060 and 1991 c 3 s 117, 1984 c 287 s 40, 1979 c 158  
24 s 45, 1975-'76 2nd ex.s. c 34 s 38, & 1970 ex.s. c 57 s 6;

25 (2) RCW 18.52.100 and 1991 c 3 s 119, 1987 c 150 s 33, 1977 ex.s.  
26 c 243 s 4, & 1970 ex.s. c 57 s 10; and

27 (3) RCW 18.52.170 and 1970 ex.s. c 57 s 19.

1        NEW SECTION.    **Sec. 12.**        RCW 18.52.070 and 1991 c 3 s 118, 1984  
2    c 279 s 65, 1977 ex.s. c 243 s 2, 1975 1st ex.s. c 30 s 52, & 1970  
3    ex.s. c 57 s 7 are each repealed, effective July 1, 1993.