
HOUSE BILL 2634

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Kagi, Tharinger, and Freeman; by request of Department of Social and Health Services

Read first time 01/23/14. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to enforcement standards for residential services
2 and support providers; amending RCW 71A.12.270; adding a new section to
3 chapter 71A.12 RCW; creating a new section; and recodifying RCW
4 71A.12.270.

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

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature for
7 enforcement standards to apply to all residential services and support
8 providers.

9 **Sec. 2.** RCW 71A.12.270 and 2006 c 303 s 8 are each amended to read
10 as follows:

11 (1) The enforcement standards in this section apply to all
12 residential services and support providers.

13 (2) The department is authorized to take one or more of the
14 enforcement actions listed in subsection ~~((+2))~~ (3) of this section
15 when the department finds that a provider of residential services and
16 support with whom the department entered into an agreement under this
17 chapter has:

1 (a) Failed or refused to comply with the requirements of this
2 chapter or the rules adopted under it;

3 (b) Failed or refused to cooperate with the certification process;

4 (c) Prevented or interfered with a certification, inspection, or
5 investigation by the department;

6 (d) Failed to comply with any applicable requirements regarding
7 vulnerable adults under chapter 74.34 RCW; or

8 (e) Knowingly, or with reason to know, made a false statement of
9 material fact related to certification or contracting with the
10 department, or in any matter under investigation by the department.

11 ~~((+2))~~ (3) The department may:

12 (a) Refuse to certify the provider;

13 (b) Decertify or refuse to renew the certification of a provider;

14 ~~((+b))~~ (c) Impose conditions on a provider's certification status
15 such as correction within a specified time, training, and limits on the
16 type of client the provider may serve;

17 ~~((+e))~~ (d) Suspend department referrals to the provider; or

18 ~~((+d) Require a provider to implement a plan of correction~~
19 ~~developed by the department and to cooperate with subsequent monitoring~~
20 ~~of the provider's progress. In the event a provider fails to implement~~
21 ~~the plan of correction or fails to cooperate with subsequent~~
22 ~~monitoring, the department may))~~ (e) Impose civil penalties of ((not
23 more than)) up to one hundred ((fifty)) dollars per day per
24 violation((. Each day during which the same or similar action or
25 inaction occurs constitutes a separate violation)) and up to a maximum
26 of three thousand dollars per violation.

27 ~~((+3))~~ (4) When determining the appropriate enforcement action or
28 actions under subsection ~~((+2))~~ (3) of this section, the department
29 must select actions commensurate with the seriousness of the harm or
30 threat of harm to the persons being served by the provider. Further,
31 the department may take enforcement actions that are more severe for
32 violations that are uncorrected, repeated, pervasive, or which present
33 a serious threat of harm to the health, safety, or welfare of persons
34 served by the provider. The department shall by rule develop criteria
35 for the selection and implementation of enforcement actions authorized
36 in subsection ~~((+2))~~ (3) of this section. Rules adopted under this
37 section shall include a process for an informal review upon request by
38 a provider.

1 ~~((4))~~ (5) The provisions of chapter 34.05 RCW apply to
2 enforcement actions under this section. Except for the imposition of
3 civil penalties, the effective date of enforcement actions shall not be
4 delayed or suspended pending any hearing or informal review.

5 ~~((5))~~ (6) The enforcement actions and penalties authorized in
6 this section are not exclusive or exhaustive and nothing in this
7 section prohibits the department from taking any other action
8 authorized in statute or rule or under the terms of a contract with the
9 provider.

10 (7) A separate residential services and support account is created
11 in the custody of the state treasurer. All receipts from civil
12 penalties imposed under this section must be deposited into the
13 account. Only the director or the director's designee may authorize
14 expenditures from the account. The account is subject to allotment
15 procedures under chapter 43.88 RCW, but an appropriation is not
16 required for expenditures. The department shall use the special
17 account only for promoting the quality of life and care of clients
18 receiving care and services from the certified providers.

19 NEW SECTION. Sec. 3. RCW 71A.12.270 is recodified as a section in
20 chapter 71A.12 RCW, to be codified after RCW 71A.12.290.

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