

1 **2SSB 5660** - H COMM AMDS

2 By Committee on Children & Family Services

3 On page 2, line 10, after ~~any-~~ strike ~~pending-~~

4 On page 2, line 10, after ~~action-~~ insert taken by the
5 department-

6 On page 2, line 14, after ~~reports-~~ insert , complaints,-

7 On page 2, after line 36, insert the following:

8 (5) The requirements of this section shall not be construed to
9 create a right to an administrative hearing under chapter 34.05 RCW or
10 RCW 43.20A.205.-

11 On page 5, line 5, after appropriate;- strike (ii) a complaint
12 is not founded or valid; or (iii)- and insert or (ii)-

13 On page 5, line 8, after ~~to-~~ strike the public and-

14 On page 5, line 12, after ~~an-~~ strike enforcement- and insert
15 adverse licensing-

16 On page 5, line 13, after ~~an-~~ strike enforcement- and insert
17 adverse licensing action or a protective-

18 On page 5, line 13, after ~~taken-~~ insert or a civil penalty
19 imposed,-

20 On page 5, after line 15, insert (7) Licensees who are the
21 subject to department action pursuant to subsection (a) do not have a
22 right to an administrative hearing under RCW 43.20A.205 or chapter
23 34.05 RCW unless the enforcement action taken by the department is an
24 adverse licensing action or imposition of civil penalties.-

1 On page 5, line 15, after within- strike two- and insert four-

2 On page 9, line 6, after action- strike including removal of a
3 child or- and insert which results in removal of a child or child care
4 provider, or which involves-

5 On page 9, line 12, after (7)- strike Referent- and insert
6 Referrer-

7 On page 9, after line 20, insert the following:

8 **Sec. 7.** RCW 43.20A.205 and 1997 c 58 841 are each amended to
9 read as follows:

10 This section governs the denial of an application for a license or
11 the suspension, revocation, or modification of a license by the
12 department.

13 (1) The department shall give written notice of the denial of an
14 application for a license to the applicant or his or her agent. The
15 department shall give written notice of revocation, suspension, or
16 modification of a license to the licensee or his or her agent. The
17 notice shall state the reasons for the action. The notice shall be
18 personally served in the manner of service of a summons in a civil
19 action or shall be given in another manner that shows proof of receipt.

20 (2) Except as otherwise provided in this subsection and in
21 subsection (4) of this section, revocation, suspension, or modification
22 is effective twenty-eight days after the licensee or the agent receives
23 the notice.

24 (a) The department may make the date the action is effective later
25 than twenty-eight days after receipt. If the department does so, it
26 shall state the effective date in the written notice given the licensee
27 or agent.

28 (b) The department may make the date the action is effective
29 sooner than twenty-eight days after receipt when necessary to protect
30 the public health, safety, or welfare. When the department does so, it
31 shall state the effective date and the reasons supporting the effective
32 date in the written notice given to the licensee or agent.

33 (c) When the department has received certification pursuant to
34 chapter 74.20A RCW from the division of child support that the licensee
35 is a person who is not in compliance with a support order or an order

1 from court stating that the licensee is in noncompliance with a
2 residential or visitation order under *chapter 26.09 RCW, the
3 department shall provide that the suspension is effective immediately
4 upon receipt of the suspension notice by the licensee.

5 (3) Except for licensees suspended for noncompliance with a
6 support order under chapter 74.20A RCW(~~or a residential or visitation~~
7 ~~order under *chapter 26.09 RCW~~) or actions taken by the department
8 pursuant to section 2 of this act or RCW 74.15.130(5), a license
9 applicant or licensee who is aggrieved by a department denial,
10 revocation, suspension, or modification has the right to an
11 adjudicative proceeding. The proceeding is governed by the
12 Administrative Procedure Act, chapter 34.05 RCW. The application must
13 be in writing, state the basis for contesting the adverse action,
14 include a copy of the adverse notice, be served on and received by the
15 department within twenty-eight days of the license applicant's or
16 licensee's receiving the adverse notice, and be served in a manner that
17 shows proof of receipt.

18 (4)(a) If the department gives a licensee twenty-eight or more
19 days notice of revocation, suspension, or modification and the licensee
20 files an appeal before its effective date, the department shall not
21 implement the adverse action until the final order has been entered.
22 The presiding or reviewing officer may permit the department to
23 implement part or all of the adverse action while the proceedings are
24 pending if the appellant causes an unreasonable delay in the
25 proceeding, if the circumstances change so that implementation is in
26 the public interest, or for other good cause.

27 (b) If the department gives a licensee less than twenty-eight days
28 notice of revocation, suspension, or modification and the licensee
29 timely files a sufficient appeal, the department may implement the
30 adverse action on the effective date stated in the notice. The
31 presiding or reviewing officer may order the department to stay
32 implementation of part or all of the adverse action while the
33 proceedings are pending if staying implementation is in the public
34 interest or for other good cause.-

35 Renumber remaining sections accordingly and correct the title.