
ENGROSSED HOUSE BILL 2410

State of Washington

55th Legislature

1998 Regular Session

By Representative Dyer

Read first time 01/13/98. Referred to Committee on Health Care.

1 AN ACT Relating to the administration of boarding homes; amending
2 RCW 18.20.020 and 18.20.190; adding new sections to chapter 18.20 RCW;
3 creating a new section; making an appropriation; providing a contingent
4 expiration date; providing an expiration date; and declaring an
5 emergency.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.20 RCW
8 to read as follows:

9 (1) Powers and duties regarding boarding homes, previously assigned
10 under this chapter to the department of health and to the secretary of
11 health, are by this section transferred to the department of social and
12 health services and to the secretary of social and health services,
13 respectively. This section further provides that, regarding boarding
14 homes, all references within the Revised Code of Washington to the
15 department of health and to the secretary of health mean the department
16 of social and health services and the secretary of social and health
17 services, respectively.

18 (2)(a) The department of health shall deliver to the department of
19 social and health services all reports, documents, surveys, books,

1 records, data, files, papers, and written material pertaining to
2 boarding homes and the powers, functions, and duties transferred by
3 this section. The department of health shall make available to the
4 department of social and health services all cabinets, furniture,
5 office equipment, motor vehicles, and other tangible property employed
6 by the department of health in carrying out the powers, functions, and
7 duties transferred by this section. The department of health shall
8 assign to the department of social and health services all funds,
9 credits, and other assets that the department of health possesses in
10 connection with the power, functions, and duties transferred by this
11 section.

12 (b) On the effective date of this section, the department of health
13 shall transfer to the department of social and health services any
14 appropriations and license fees made to or possessed by the department
15 of health for carrying out the powers, functions, and duties
16 transferred by this section.

17 (c) When a question arises regarding the transfer of personnel,
18 funds, books, documents, records, papers, files, equipment, or other
19 tangible property used or held in the exercise of the powers,
20 functions, and duties transferred by this section, the director of
21 financial management shall determine the proper allocation and shall
22 certify that determination to the state agencies concerned.

23 (3) The department of social and health services shall continue and
24 shall act upon all rules and pending business before the department of
25 health pertaining to the powers, functions, and duties transferred by
26 this section.

27 (4) The transfer of powers, functions, duties, and personnel from
28 the department of health to the department of social and health
29 services, as mandated by this section, will not affect the validity of
30 any act performed by the department of health regarding boarding homes
31 before the effective date of this section.

32 (5) If apportionments of budgeted funds are required because of the
33 transfers mandated by this section, the director of financial
34 management shall certify the apportionments to the agencies affected,
35 the state auditor, and the state treasurer. Each of these shall make
36 the necessary transfers and adjustments in funds, appropriation
37 accounts, and equipment records in accordance with the certification.

38 (6) Nothing contained in this section alters any existing
39 collective bargaining unit or the provisions of any existing collective

1 bargaining agreement until the agreement expires or until the
2 bargaining unit is modified by action of the personnel board as
3 provided by law.

4 **Sec. 2.** RCW 18.20.020 and 1991 c 3 s 34 are each amended to read
5 as follows:

6 As used in this chapter:

7 (1) "Aged person" means a person of the age sixty-five years or
8 more, or a person of less than sixty-five years who by reason of
9 infirmity requires domiciliary care.

10 (2) "Boarding home" means any home or other institution, however
11 named, which is advertised, announced or maintained for the express or
12 implied purpose of providing board and domiciliary care to three or
13 more aged persons not related by blood or marriage to the operator. It
14 shall not include facilities certified as group training homes pursuant
15 to RCW 71A.22.040, nor any home, institution or section thereof which
16 is otherwise licensed and regulated under the provisions of state law
17 providing specifically for the licensing and regulation of such home,
18 institution or section thereof. Nor shall it include any independent
19 senior housing, independent living units in continuing care retirement
20 communities, or other similar living situations including those
21 subsidized by the department of housing and urban development.

22 (3) "Person" means any individual, firm, partnership, corporation,
23 company, association, or joint stock association, and the legal
24 successor thereof.

25 (4) "Secretary" means the secretary of social and health services.

26 (5) "Department" means the state department of social and health
27 services.

28 (6) "Authorized department" means any city, county, city-county
29 health department or health district authorized by the secretary ((of
30 health)) to carry out the provisions of this chapter.

31 **Sec. 3.** RCW 18.20.190 and 1995 1st sp.s. c 18 s 18 are each
32 amended to read as follows:

33 (1) The department of social and health services is authorized to
34 take one or more of the actions listed in subsection (2) of this
35 section in any case in which the department finds that a boarding home
36 provider has:

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

3 (b) Operated a boarding home without a license or under a revoked
4 license;

5 (c) Knowingly, or with reason to know, made a false statement of
6 material fact on his or her application for license or any data
7 attached thereto, or in any matter under investigation by the
8 department; or

9 (d) Willfully prevented or interfered with any inspection or
10 investigation by the department.

11 (2) When authorized by subsection (1) of this section, the
12 department may take one or more of the following actions:

13 (a) Refuse to issue a license;

14 (b) Impose reasonable conditions on a license, such as correction
15 within a specified time, training, and limits on the type of clients
16 the provider may admit or serve;

17 (c) Impose civil penalties of not more than one hundred dollars per
18 day per violation;

19 (d) Suspend, revoke, or refuse to renew a license; or

20 (e) Suspend admissions to the boarding home by imposing stop
21 placement.

22 (3) When the department orders stop placement, the facility shall
23 not admit any new resident until the stop placement order is
24 terminated. The department may approve readmission of a resident to
25 the facility from a hospital or nursing home during the stop placement.
26 The department shall terminate the stop placement when: (a) The
27 violations necessitating the stop placement have been corrected; and
28 (b) the provider exhibits the capacity to maintain adequate care and
29 service.

30 (4) Chapter 34.05 RCW applies to department actions under this
31 section, except that orders of the department imposing license
32 suspension, stop placement, or conditions for continuation of a license
33 are effective immediately upon notice and shall continue pending any
34 hearing.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.20 RCW
36 to read as follows:

37 The secretary may adopt rules and policies as necessary to entitle
38 the state to participate in federal funding programs and opportunities

1 and to facilitate state and federal cooperation in programs under the
2 department's jurisdiction. The secretary shall ensure that any
3 internal reorganization carried out under the terms of this chapter
4 complies with prerequisites for the receipt of federal funding for the
5 various programs under the department's control. When interpreting any
6 department-related section or provision of law susceptible to more than
7 one interpretation, the secretary shall construe that section or
8 provision in the manner most likely to comply with federal laws and
9 rules entitling the state to receive federal funds for the various
10 programs of the department. If any law or rule dealing with the
11 department is ruled to be in conflict with federal prerequisites to the
12 allocation of federal funding to the state, the department, or its
13 agencies, the secretary shall declare that law or rule inoperative
14 solely to the extent of the conflict.

15 NEW SECTION. **Sec. 5.** (1) The governor shall establish a joint
16 legislative and executive task force on long-term care, safety,
17 quality, and oversight. The joint task force shall consist of seven
18 members. The governor shall appoint three members that include: (a)
19 The secretary of the department of social and health services or his or
20 her designee; (b) the secretary of the department of health or his or
21 her designee; and (c) the state long-term care ombudsman. Four
22 legislative members shall serve on the joint task force as ex officio
23 members and include: Two members of the senate appointed by the
24 president of the senate, one of whom shall be a member of the majority
25 caucus and one whom shall be a member of the minority caucus; and two
26 members of the house of representatives appointed by the speaker of the
27 house of representatives, one of whom shall be a member of the majority
28 caucus and one whom shall be a member of the minority caucus. Primary
29 staff assistance to the joint task force shall be provided by the
30 office of financial management with assistance, as directed by
31 legislative members, by the health care committee of the house of
32 representatives office of program research and the senate health and
33 long-term care committee of senate committee services.

34 (2) The joint task force shall elect a chair and vice-chair. The
35 chair shall serve a one-year term as the chair of the joint task force.
36 The following year, the previously elected vice-chair shall serve as
37 the chair of the joint task force and a new vice-chair shall be elected
38 by the members of the joint task force.

1 (3) The joint task force shall have the ability to create advisory
2 committees and appoint individuals from a variety of disciplines and
3 perspectives including but not limited to patient and resident
4 advocates and representatives of provider organizations, to assist the
5 joint task force with specific issues related to chapter . . . , Laws of
6 1998 (this act).

7 (4) The joint task force may hold meetings, including hearings, to
8 receive public testimony, which shall be open to the public in
9 accordance with law. Records of the joint task force shall be subject
10 to public disclosure in accordance with law. Members shall not receive
11 compensation, but may be reimbursed for travel expenses as authorized
12 under RCW 43.03.050 and 43.03.060. Advisory committee members, if
13 appointed, shall not receive compensation or reimbursement for travel
14 or expenses.

15 (5) The joint task force shall:

16 (a) Review all long-term care quality and safety standards for all
17 long-term care facilities and services developed, revised, and enforced
18 by the department of social and health services;

19 (b) In cooperation with aging and adult services, the division of
20 developmental disabilities, and the division of mental health and the
21 department of health, develop recommendations to simplify, strengthen,
22 reduce, or eliminate rules, procedures, and burdensome paperwork that
23 prove to be barriers to providing the highest standard of client
24 safety, effective quality of care, effective client protections, and
25 effective coordination of direct services;

26 (c) Review the need for reorganization and reform of long-term care
27 administration and service delivery, including administration and
28 services provided for the aged, for those with mental health needs, and
29 for the developmentally disabled, and recommend the establishment of a
30 single long-term care department or a division of long-term care within
31 the department of social and health services;

32 (d) Suggest cost-effective methods for reallocating funds to unmet
33 needs in direct services;

34 (e) List all nonmeans tested programs and activities funded by the
35 federal older Americans act and state-funded senior citizens act or
36 other such state-funded programs, and recommend methods for integrating
37 such services into existing long-term care programs for the
38 functionally disabled;

1 (f) Suggest methods to establish a single point of entry for
2 service eligibility and delivery for all functionally disabled persons;
3 (g) Evaluate the need for long-term care training and review all
4 long-term care training and education programs conducted by the
5 department of social and health services, and suggest modifications to
6 enhance client safety, to create greater access to training through the
7 use of innovative technology, to reduce training costs, to improve
8 coordination of training between the appropriate divisions and
9 departments and, to enhance the overall uniformity of the long-term
10 care training system;
11 (h) Evaluate the current system used by the department of social
12 and health services for placement of functionally disabled clients,
13 including aging, mentally ill, and developmentally disabled persons,
14 into long-term care settings and services and assess the capacity of
15 each long-term care service or setting to appropriately meet the health
16 and safety needs of functionally disabled clients or residents referred
17 to each service or setting;
18 (i) Evaluate the need for uniform client assessments for
19 determining functional long-term care needs of all persons who receive
20 state-funded, long-term care services;
21 (j) Evaluate the success of the transfer of boarding home
22 responsibilities outlined in chapter . . . , Laws of 1998 (this act) and
23 recommend if any further administrative changes should be made; and
24 (k) Evaluate the need to establish a dementia and Alzheimer's
25 certification requirement for long-term care facilities who choose to
26 provide care to persons who have been diagnosed with Alzheimer's or a
27 related dementia. The evaluation shall also identify the level of
28 disability a resident or client must have before the resident or client
29 is considered for care in a certified long-term care Alzheimer's
30 facility.
31 (6) The joint task force shall report its initial findings and
32 recommendations to the governor and appropriate committees of the
33 legislature by January 1, 1999. The joint task force shall report its
34 final findings and recommendations to the governor and appropriate
35 committees of the legislature by December 12, 1999.

36 NEW SECTION. **Sec. 6.** The sum of fifty thousand dollars, or as
37 much thereof as may be necessary, is appropriated for the fiscal year
38 ending June 30, 1999, from the general fund to the office of financial

1 management solely for the purposes of implementing section 5 of this
2 act.

3 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 immediately.

7 NEW SECTION. **Sec. 8.** (1) Sections 1 through 4 of this act expire
8 July 1, 2000, unless reauthorized by the legislature.

9 (2) Section 5 of this act expires December 12, 1999.

10 NEW SECTION. **Sec. 9.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.

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