
SUBSTITUTE HOUSE BILL 2312

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Cody, Campbell, Schual-Berke and Edwards; by request of Department of Health)

Read first time 01/25/2002. Referred to Committee on .

1 AN ACT Relating to department of health regulation of adult family
2 homes; amending RCW 70.128.220, 18.130.040, and 70.128.120; adding a
3 new section to chapter 70.128 RCW; creating a new section; and
4 repealing RCW 18.48.010, 18.48.020, 18.48.030, 18.48.050, and
5 18.48.060.

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

7 NEW SECTION. **Sec. 1.** The following acts or parts of acts are each
8 repealed:

9 (1) RCW 18.48.010 (Definitions) and 1996 c 81 s 2 & 1995 c 260 s 7;

10 (2) RCW 18.48.020 (Registration) and 2000 c 93 s 5, 1996 c 81 s 4,
11 & 1995 c 260 s 8;

12 (3) RCW 18.48.030 (Application of uniform disciplinary act) and
13 1995 c 260 s 9;

14 (4) RCW 18.48.050 (Elder care--Professionalization of providers)
15 and 1998 c 272 s 7; and

16 (5) RCW 18.48.060 (Advisory committee--Composition--Vacancies--
17 Meetings--Travel expenses--Civil immunity) and 2000 c 171 s 18 & 1998
18 c 272 s 8.

1 **Sec. 2.** RCW 70.128.220 and 1998 c 272 s 9 are each amended to read
2 as follows:

3 Adult family homes have developed rapidly in response to the health
4 and social needs of the aging population in community settings,
5 especially as the aging population has increased in proportion to the
6 general population. The growing demand for elder care with a new focus
7 on issues affecting senior citizens, including persons with
8 developmental disabilities, mental illness, or dementia, has prompted
9 a growing professionalization of adult family home providers to address
10 quality care and quality of life issues consistent with standards of
11 accountability and regulatory safeguards for the health and safety of
12 the residents. The establishment of an advisory (~~committee~~) board to
13 the (~~department of health and the~~) department of social and health
14 services under (~~RCW 18.48.060~~) section 3 of this act formalizes a
15 stable process for discussing and considering these issues among
16 residents and their advocates, regulatory officials, and adult family
17 home providers. The dialogue among all stakeholders interested in
18 maintaining a healthy option for the aging population in community
19 settings assures the highest regard for the well-being of these
20 residents within a benign and functional regulatory environment. The
21 secretary shall be advised by an advisory (~~committee~~) board on adult
22 family homes established under (~~RCW 18.48.060~~) section 3 of this act.

23 (~~Establishment of the advisory committee shall not prohibit the~~
24 ~~department of social and health services from utilizing other advisory~~
25 ~~activities that the department of social and health services deems~~
26 ~~necessary for program development.~~)

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.128 RCW
28 to read as follows:

29 (1) The secretary of social and health services shall appoint an
30 advisory committee on matters relating to the regulation,
31 administrative rules, enforcement process, staffing, and training
32 requirements of adult family homes. The advisory committee shall be
33 composed of six members, of which two members shall be resident
34 advocates, three members shall represent adult family home providers,
35 and one member shall represent the public and serve as chair. The
36 members shall generally represent the interests of aging residents,
37 residents with dementia, residents with mental illness, and residents
38 with developmental disabilities, respectively. Members representing

1 adult family home providers must have at least two years' experience as
2 licensees. The membership must generally reflect urban and rural areas
3 and western and eastern parts of the state. A member may not serve
4 more than two consecutive terms.

5 (2) The secretary may remove a member of the advisory committee for
6 cause as specified by rule adopted by the department. If there is a
7 vacancy, the secretary shall appoint a member to serve for the
8 remainder of the unexpired term.

9 (3) The advisory committee shall meet at the times and places
10 designated by the secretary and shall hold meetings during the year as
11 necessary to provide advice to the secretary on matters relating to the
12 regulation of adult family homes. A majority of the members may
13 request a meeting of the committee for any express purpose directly
14 related to the regulation of adult family homes. A majority of members
15 currently serving shall constitute a quorum.

16 (4) Establishment of the advisory committee shall not prohibit the
17 department from utilizing other advisory activities that the department
18 deems necessary for program development.

19 (5) Each member of the advisory committee shall serve without
20 compensation but may be reimbursed for travel expenses as authorized in
21 RCW 43.03.060.

22 (6) The secretary, members of the advisory committee, or
23 individuals acting on their behalf are immune from civil liability for
24 official acts performed in the course of their duties.

25 NEW SECTION. **Sec. 4.** The department of health shall return the
26 funds collected by the department in connection with the power,
27 functions, and duties repealed under section 1 of this act, less actual
28 program costs, to credentialed adult family home providers and resident
29 managers registered under chapter 18.48 RCW. The department of health
30 shall determine the formula for distribution of these funds based upon
31 payment of registration fees during the previous two renewal periods.

32 **Sec. 5.** RCW 18.130.040 and 2001 c 251 s 27 are each amended to
33 read as follows:

34 (1) This chapter applies only to the secretary and the boards and
35 commissions having jurisdiction in relation to the professions licensed
36 under the chapters specified in this section. This chapter does not

1 apply to any business or profession not licensed under the chapters
2 specified in this section.

3 (2)(a) The secretary has authority under this chapter in relation
4 to the following professions:

5 (i) Dispensing opticians licensed under chapter 18.34 RCW;

6 (ii) Naturopaths licensed under chapter 18.36A RCW;

7 (iii) Midwives licensed under chapter 18.50 RCW;

8 (iv) Ocularists licensed under chapter 18.55 RCW;

9 (v) Massage operators and businesses licensed under chapter 18.108
10 RCW;

11 (vi) Dental hygienists licensed under chapter 18.29 RCW;

12 (vii) Acupuncturists licensed under chapter 18.06 RCW;

13 (viii) Radiologic technologists certified and X-ray technicians
14 registered under chapter 18.84 RCW;

15 (ix) Respiratory care practitioners licensed under chapter 18.89
16 RCW;

17 (x) Persons registered under chapter 18.19 RCW;

18 (xi) Persons licensed as mental health counselors, marriage and
19 family therapists, and social workers under chapter 18.225 RCW;

20 (xii) Persons registered as nursing pool operators under chapter
21 18.52C RCW;

22 (xiii) Nursing assistants registered or certified under chapter
23 18.88A RCW;

24 (xiv) Health care assistants certified under chapter 18.135 RCW;

25 (xv) Dietitians and nutritionists certified under chapter 18.138
26 RCW;

27 (xvi) Chemical dependency professionals certified under chapter
28 18.205 RCW;

29 (xvii) Sex offender treatment providers certified under chapter
30 18.155 RCW;

31 (xviii) Persons licensed and certified under chapter 18.73 RCW or
32 RCW 18.71.205;

33 (~~(xix) ((Persons registered as adult family home providers and
34 resident managers under RCW 18.48.020;~~

35 ~~(xx))~~) Denturists licensed under chapter 18.30 RCW;

36 (~~((xxi))~~) (xx) Orthotists and prosthetists licensed under chapter
37 18.200 RCW; and

38 (~~((xxii))~~) (xxi) Surgical technologists registered under chapter
39 18.215 RCW.

1 (b) The boards and commissions having authority under this chapter
2 are as follows:

3 (i) The podiatric medical board as established in chapter 18.22
4 RCW;

5 (ii) The chiropractic quality assurance commission as established
6 in chapter 18.25 RCW;

7 (iii) The dental quality assurance commission as established in
8 chapter 18.32 RCW;

9 (iv) The board of hearing and speech as established in chapter
10 18.35 RCW;

11 (v) The board of examiners for nursing home administrators as
12 established in chapter 18.52 RCW;

13 (vi) The optometry board as established in chapter 18.54 RCW
14 governing licenses issued under chapter 18.53 RCW;

15 (vii) The board of osteopathic medicine and surgery as established
16 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
17 18.57A RCW;

18 (viii) The board of pharmacy as established in chapter 18.64 RCW
19 governing licenses issued under chapters 18.64 and 18.64A RCW;

20 (ix) The medical quality assurance commission as established in
21 chapter 18.71 RCW governing licenses and registrations issued under
22 chapters 18.71 and 18.71A RCW;

23 (x) The board of physical therapy as established in chapter 18.74
24 RCW;

25 (xi) The board of occupational therapy practice as established in
26 chapter 18.59 RCW;

27 (xii) The nursing care quality assurance commission as established
28 in chapter 18.79 RCW governing licenses issued under that chapter;

29 (xiii) The examining board of psychology and its disciplinary
30 committee as established in chapter 18.83 RCW; and

31 (xiv) The veterinary board of governors as established in chapter
32 18.92 RCW.

33 (3) In addition to the authority to discipline license holders, the
34 disciplining authority has the authority to grant or deny licenses
35 based on the conditions and criteria established in this chapter and
36 the chapters specified in subsection (2) of this section. This chapter
37 also governs any investigation, hearing, or proceeding relating to
38 denial of licensure or issuance of a license conditioned on the

1 applicant's compliance with an order entered pursuant to RCW 18.130.160
2 by the disciplining authority.

3 (4) All disciplining authorities shall adopt procedures to ensure
4 substantially consistent application of this chapter, the Uniform
5 Disciplinary Act, among the disciplining authorities listed in
6 subsection (2) of this section.

7 **Sec. 6.** RCW 70.128.120 and 2001 c 319 s 8 are each amended to read
8 as follows:

9 Each adult family home provider and each resident manager shall
10 have the following minimum qualifications:

11 (1) Twenty-one years of age or older;

12 (2) For those applying after September 1, 2001, to be licensed as
13 providers, and for resident managers whose employment begins after
14 September 1, 2001, a high school diploma or general educational
15 development (GED) certificate;

16 (3) Good moral and responsible character and reputation;

17 (4) Literacy in the English language, however, a person not
18 literate in the English language may meet the requirements of this
19 subsection by assuring that there is a person on staff and available
20 who is able to communicate or make provisions for communicating with
21 the resident in his or her primary language and capable of
22 understanding and speaking English well enough to be able to respond
23 appropriately to emergency situations and be able to read and
24 understand resident care plans;

25 (5) Management and administrative ability to carry out the
26 requirements of this chapter;

27 (6) Satisfactory completion of department-approved basic training
28 and continuing education training as specified by the department in
29 rule, based on recommendations of the community long-term care training
30 and education steering committee and working in collaboration with
31 providers, consumers, caregivers, advocates, family members, educators,
32 and other interested parties in the rule-making process;

33 (7) Satisfactory completion of department-approved, or equivalent,
34 special care training before a provider may provide special care
35 services to a resident;

36 (8) Not been convicted of any crime listed in RCW 43.43.830 and
37 43.43.842; and

38 (~~(9) ((Registered with the department of health; and~~

1 (~~10~~)) For those applying after September 1, 2001, to be licensed
2 as providers, and for resident managers whose employment begins after
3 September 1, 2001, at least three hundred twenty hours of successful,
4 direct caregiving experience obtained after age eighteen to vulnerable
5 adults in a licensed or contracted setting prior to operating or
6 managing an adult family home.

--- END ---