
ENGROSSED HOUSE BILL 2458

State of Washington

57th Legislature

2002 Regular Session

By Representative Sommers; by request of Department of Social and Health Services

Read first time 01/17/2002. Referred to Committee on Appropriations.

1 AN ACT Relating to licensing fees for adult family homes; amending
2 RCW 70.128.060; and adding a new section to chapter 70.128 RCW.

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

4 **Sec. 1.** RCW 70.128.060 and 2001 c 193 s 9 are each amended to read
5 as follows:

6 (1) An application for license shall be made to the department upon
7 forms provided by it and shall contain such information as the
8 department reasonably requires.

9 (2) The department shall issue a license to an adult family home if
10 the department finds that the applicant and the home are in compliance
11 with this chapter and the rules adopted under this chapter, unless (a)
12 the applicant has prior violations of this chapter relating to the
13 adult family home subject to the application or any other adult family
14 home, or of any other law regulating residential care facilities within
15 the past five years that resulted in revocation or nonrenewal of a
16 license; or (b) the applicant has a history of significant
17 noncompliance with federal, state, or local laws, rules, or regulations
18 relating to the provision of care or services to vulnerable adults or
19 to children.

1 (3) The license fee shall be submitted with the application.

2 (4) The department shall serve upon the applicant a copy of the
3 decision granting or denying an application for a license. An
4 applicant shall have the right to contest denial of his or her
5 application for a license as provided in chapter 34.05 RCW by
6 requesting a hearing in writing within twenty-eight days after receipt
7 of the notice of denial.

8 (5) The department shall not issue a license to a provider if the
9 department finds that the provider or any partner, officer, director,
10 managerial employee, or owner of five percent or more if the provider
11 has a history of significant noncompliance with federal or state
12 regulations, rules, or laws in providing care or services to vulnerable
13 adults or to children.

14 (6) The department shall license an adult family home for the
15 maximum level of care that the adult family home may provide. The
16 department shall define, in rule, license levels based upon the
17 education, training, and caregiving experience of the licensed provider
18 or staff.

19 (7) The department shall establish, by rule, standards used to
20 license nonresident providers and multiple facility operators.

21 (8) The department shall establish, by rule, for multiple facility
22 operators educational standards substantially equivalent to recognized
23 national certification standards for residential care administrators.

24 (9) The license fee shall be set at (~~fifty~~) one hundred twenty-
25 five dollars per year for each home. A (~~fifty~~) one hundred twenty-
26 five dollar processing fee shall also be charged each home when the
27 home is initially licensed.

28 (10) A provider who receives notification of the department's
29 initiation of a denial, suspension, nonrenewal, or revocation of an
30 adult family home license may, in lieu of appealing the department's
31 action, surrender or relinquish the license. The department shall not
32 issue a new license to or contract with the provider, for the purposes
33 of providing care to vulnerable adults or children, for a period of
34 twenty years following the surrendering or relinquishment of the former
35 license. The licensing record shall indicate that the provider
36 relinquished or surrendered the license, without admitting the
37 violations, after receiving notice of the department's initiation of a
38 denial, suspension, nonrenewal, or revocation of a license.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.128 RCW
2 to read as follows:

3 No department employee shall discriminate or retaliate in any
4 manner against an adult family home operator or employee on the basis
5 or for the reason that the operator or employee made a complaint
6 against the department or any of its employees.

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