

---

**SUBSTITUTE SENATE BILL 5183**

---

**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Winsley and Kohl-Welles; by request of Department of Social and Health Services)

READ FIRST TIME 02/28/01.

1 AN ACT Relating to the licensing of adult family homes; and  
2 amending RCW 70.128.005, 70.128.010, 70.128.060, and 70.128.120.

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

4 **Sec. 1.** RCW 70.128.005 and 2000 c 121 s 4 are each amended to read  
5 as follows:

6 The legislature finds that adult family homes are an important part  
7 of the state's long-term care system. Adult family homes provide an  
8 alternative to institutional care and promote a high degree of  
9 independent living for residents. Persons with functional limitations  
10 have broadly varying service needs. Adult family homes that can meet  
11 those needs are an essential component of a long-term system. The  
12 legislature further finds that different populations living in adult  
13 family homes, such as the developmentally disabled and the elderly,  
14 often have significantly different needs and capacities from one  
15 another.

16 It is the legislature's intent that department rules and policies  
17 relating to the licensing and operation of adult family homes recognize  
18 and accommodate the different needs and capacities of the various  
19 populations served by the homes. Furthermore, the development and

1 operation of adult family homes that can provide quality personal care  
2 and special care services should be encouraged.

3 The legislature finds that many residents of community-based long-  
4 term care facilities are vulnerable and their health and well-being are  
5 dependent on their caregivers. The quality, skills, and knowledge of  
6 their caregivers are ((often)) the key to good care. The legislature  
7 finds that the need for well-trained caregivers is growing as the  
8 state's population ages and residents' needs increase. The legislature  
9 intends that current training standards be enhanced.

10 The legislature finds that the state of Washington has a compelling  
11 interest in protecting and promoting the health, welfare, and safety of  
12 vulnerable adults residing in adult family homes. The health, safety,  
13 and well-being of vulnerable adults must be the paramount concern in  
14 determining whether to issue a license to an applicant, whether to  
15 suspend or revoke a license, or whether to take other licensing  
16 actions.

17 **Sec. 2.** RCW 70.128.010 and 1995 c 260 s 2 are each amended to read  
18 as follows:

19 Unless the context clearly requires otherwise, the definitions in  
20 this section apply throughout this chapter.

21 (1) "Adult family home" means a regular family abode in which a  
22 person or persons provide personal care, special care, room, and board  
23 to more than one but not more than six adults who are not related by  
24 blood or marriage to the person or persons providing the services.

25 (2) "Provider" means any person who is licensed under this chapter  
26 to operate an adult family home. For the purposes of this section,  
27 "person" means any individual, partnership, corporation, association,  
28 or limited liability company.

29 (3) "Department" means the department of social and health  
30 services.

31 (4) "Resident" means an adult in need of personal or special care  
32 in an adult family home who is not related to the provider.

33 (5) "Adults" means persons who have attained the age of eighteen  
34 years.

35 (6) "Home" means an adult family home.

36 (7) "Imminent danger" means serious physical harm to or death of a  
37 resident has occurred, or there is a serious threat to resident life,  
38 health, or safety.

1 (8) "Special care" means care beyond personal care as defined by  
2 the department, in rule.

3 (9) "Capacity" means the maximum number of persons in need of  
4 personal or special care permitted in an adult family home at a given  
5 time. This number shall include related children or adults in the home  
6 and who received special care.

7 (10) "Resident manager" means a person employed or designated by  
8 the provider to manage the adult family home.

9 **Sec. 3.** RCW 70.128.060 and 1995 c 260 s 4 are each amended to read  
10 as follows:

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

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

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

26 (4) In order to prevent disruption to current residents, at the  
27 request of the current licensed provider, the department shall give  
28 processing priority to the application of a person seeking to be  
29 licensed as the new provider for the adult family home. The department  
30 may issue a provisional license when a currently licensed adult family  
31 home provider has applied to be licensed as the new provider for a  
32 currently licensed adult family home, the application has been  
33 initially processed, and all that remains to complete the application  
34 process is an on-site inspection.

35 (5) The department shall serve upon the applicant a copy of the  
36 decision granting or denying an application for a license. An  
37 applicant shall have the right to contest denial of his or her  
38 application for a license as provided in chapter 34.05 RCW by

1 requesting a hearing in writing within twenty-eight days after receipt  
2 of the notice of denial.

3 ~~((+5))~~ (6) The department shall not issue a license to a provider  
4 if the department finds that the provider or any partner, officer,  
5 director, managerial employee, or owner of five percent or more if the  
6 provider has a history of significant noncompliance with federal or  
7 state regulations, rules, or laws in providing care or services to  
8 vulnerable adults or to children.

9 ~~((+6))~~ (7) The department shall license an adult family home for  
10 the maximum level of care that the adult family home may provide. The  
11 department shall define, in rule, license levels based upon the  
12 education, training, and caregiving experience of the licensed provider  
13 or staff.

14 ~~((+7))~~ (8) The department shall establish, by rule, standards used  
15 to license nonresident providers and multiple facility operators.

16 ~~((+8))~~ (9) The department shall establish, by rule, for multiple  
17 facility operators educational standards substantially equivalent to  
18 recognized national certification standards for residential care  
19 administrators.

20 ~~((+9))~~ (10) The license fee shall be set at fifty dollars per year  
21 for each home. A fifty dollar processing fee shall also be charged  
22 each home when the home is initially licensed.

23 **Sec. 4.** RCW 70.128.120 and 2000 c 121 s 5 are each amended to read  
24 as follows:

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

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

28 (2) For those applying after September 1, 2001, to be licensed as  
29 a provider, and for resident managers whose employment begins after  
30 September 1, 2001, a high school diploma or general educational  
31 development certificate;

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

33 ~~((+3))~~ (4) Literacy in the English language. However, a person  
34 not literate in the English language may meet the requirements of this  
35 subsection by assuring that there is a person on staff and available  
36 who is able to communicate or make provisions for communicating with  
37 the resident in his or her primary language and capable of  
38 understanding and speaking English well enough to be able to respond

1 appropriately to emergency situations and be able to read and  
2 understand resident care plans;

3 ~~((4))~~ (5) Management and administrative ability to carry out the  
4 requirements of this chapter;

5 ~~((5))~~ (6) Satisfactory completion of department-approved basic  
6 training and continuing education training as specified by the  
7 department in rule, based on recommendations of the community long-term  
8 care training and education steering committee and working in  
9 collaboration with providers, consumers, caregivers, advocates, family  
10 members, educators, and other interested parties in the rule-making  
11 process;

12 ~~((6))~~ (7) Satisfactory completion of department-approved, or  
13 equivalent, special care training before a provider may provide special  
14 care services to a resident;

15 ~~((7))~~ (8) Not been convicted of any crime listed in RCW 43.43.830  
16 and 43.43.842; ~~((and~~

17 ~~(8) Effective July 1, 1996,~~) (9) Registered with the department of  
18 health; and

19 (10) For those applying after September 1, 2001, to be licensed as  
20 a provider, and for resident managers whose employment begins after  
21 September 1, 2001, at least three hundred twenty hours of successful  
22 direct caregiving experience obtained after age eighteen to vulnerable  
23 adults or children in a licensed or contracted setting before operating  
24 or managing an adult family home.

--- END ---