
SENATE BILL 5799

State of Washington

54th Legislature

1995 Regular Session

By Senators McDonald, Wojahn, Cantu and West

Read first time 02/07/95. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to adult family home licensing and operation; and
2 amending RCW 70.128.005, 70.128.010, 70.128.040, 70.128.060,
3 70.128.120, and 70.128.130.

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

5 **Sec. 1.** RCW 70.128.005 and 1989 c 427 s 14 are each amended to
6 read as follows:

7 The legislature finds that adult family homes are an important part
8 of the state's long-term care system. Adult family homes provide an
9 alternative to institutional care and promote a high degree of
10 independent living for residents. The legislature further finds that
11 developmentally disabled individuals living in adult family homes often
12 have significantly different needs and capacities than aged individuals
13 who are not developmentally disabled.

14 It is the legislature's intent that department rules and policies
15 relating to the licensing and operation of adult family homes recognize
16 and accommodate the different needs and capacities of the
17 developmentally disabled and the aged populations.

1 **Sec. 2.** RCW 70.128.010 and 1989 c 427 s 16 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Adult family home" means a regular family abode of a person or
6 persons who are providing personal care, room, and board to more than
7 one but not more than four adults who are not related by blood or
8 marriage to the person or persons providing the services; except that
9 a maximum of six adults may be permitted if the department determines
10 that the home is of adequate size and that the home and the provider
11 are capable of meeting standards and qualifications as provided for in
12 this act.

13 (2) "Provider" means any person who is licensed under this chapter
14 to operate an adult family home. (~~The provider shall reside at the~~
15 ~~adult family home, except that exceptions may be authorized by the~~
16 ~~department for good cause, as defined in rule.~~) For the purposes of
17 this section, "person" means any individual, partnership, corporation,
18 association, or limited liability company.

19 (3) "Department" means the department of social and health
20 services.

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

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

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

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

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

31 **Sec. 3.** RCW 70.128.040 and 1989 c 427 s 18 are each amended to
32 read as follows:

33 (1) The department shall adopt rules and standards with respect to
34 all adult family homes and the operators thereof to be licensed under
35 this chapter to carry out the purposes and requirements of this
36 chapter. The rules and standards relating to applicants and operators
37 shall address the differences between individual providers and
38 providers that are partnerships, corporations, associations, or

1 companies. In developing rules and standards the department shall
2 recognize the residential family-like nature of adult family homes and
3 not develop rules and standards which by their complexity serve as an
4 overly restrictive barrier to the development of the adult family homes
5 in the state. Procedures and forms established by the department shall
6 be developed so they are easy to understand and comply with. Paper
7 work requirements shall be minimal. Easy to understand materials shall
8 be developed for (~~homes~~) applicants and providers explaining
9 licensure requirements and procedures. In developing rules and
10 standards the department shall also recognize and accommodate the
11 differences between homes serving the developmentally disabled and
12 homes serving the aged.

13 (2) The department shall involve the division of developmental
14 disabilities in the creation and implementation of proposed rules
15 relating to homes serving the developmentally disabled. The department
16 shall involve the division of aging and adult services in the creation
17 and implementation of proposed rules relating to homes serving the aged
18 or nondevelopmentally disabled. During the initial stages of
19 development of proposed rules, the department shall provide notice of
20 development of the rules to organizations representing adult family
21 homes and their residents, and other groups that the department finds
22 appropriate. The notice shall state the subject of the rules under
23 consideration and solicit written recommendations regarding their form
24 and content.

25 (3) Except where provided otherwise, chapter 34.05 RCW shall govern
26 all department rule-making and adjudicative activities under this
27 chapter.

28 **Sec. 4.** RCW 70.128.060 and 1989 c 427 s 20 are each amended to
29 read as follows:

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

33 (2) The department shall issue a license to an adult family home if
34 the department finds that the applicant and the home are in compliance
35 with this chapter and the rules adopted under this chapter; and that
36 the applicant has no prior violations of this chapter relating to the
37 adult family home subject to the application or any other adult family
38 home, or of any other law regulating residential care facilities within

1 the past five years that resulted in revocation or nonrenewal of a
2 license.

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

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

10 (5) A provider that is an individual shall not be licensed for more
11 than ~~((one))~~ two adult family homes. A provider that is a partnership,
12 corporation, association, or company shall not be licensed for more
13 than eight adult family homes. Exceptions may be authorized by the
14 department for good cause, as defined in rule. The department shall
15 submit to appropriate committees of the legislature, by December 1~~((7~~
16 ~~1991))~~ of the second year of each biennium, a report on the number and
17 type of good cause exceptions granted and denied.

18 (6) The license fee shall be set at fifty dollars per year for each
19 home. A fifty dollar processing fee shall also be charged each home
20 when the home is initially licensed.

21 **Sec. 5.** RCW 70.128.120 and 1989 c 427 s 24 are each amended to
22 read as follows:

23 (1) An adult family home provider shall have the following minimum
24 qualifications:

25 ~~((+1))~~ (a) Twenty-one years of age or older;

26 ~~((+2))~~ (b) Good moral and responsible character and reputation;

27 ~~((+3))~~ (c) Literacy; and

28 ~~((+4))~~ (d) Management and administrative ability to carry out the
29 requirements of this chapter.

30 (2) If an adult family home provider is a corporation or company,
31 it must meet the following minimum qualifications:

32 (a) Authorization from the secretary of state to conduct affairs in
33 Washington;

34 (b) Be current in the applicable state and local licensing
35 requirements;

36 (c) Management and administrative ability to carry out the
37 requirements of this chapter.

1 (3) If an adult family home provider is a partnership or
2 association, it must meet the following minimum qualifications:

3 (a) Be current in applicable state and local licensing
4 requirements;

5 (b) Management and administrative ability to carry out the
6 requirements of this chapter.

7 **Sec. 6.** RCW 70.128.130 and 1989 c 427 s 26 are each amended to
8 read as follows:

9 (1) Adult family homes shall be maintained internally and
10 externally in good repair and condition. Such homes shall have safe
11 and functioning systems for heating, cooling, hot and cold water,
12 electricity, plumbing, garbage disposal, sewage, cooking, laundry,
13 artificial and natural light, ventilation, and any other feature of the
14 home.

15 (2) Adult family homes shall be maintained in a clean and sanitary
16 manner, including proper sewage disposal, food handling, and hygiene
17 practices.

18 (3) Adult family homes shall develop a fire drill plan for
19 emergency evacuation of residents, shall have smoke detectors in each
20 bedroom where a resident is located, shall have fire extinguishers on
21 each floor of the home, and shall not keep nonambulatory patients above
22 the first floor of the home.

23 (4) Adult family homes shall have clean, functioning, and safe
24 household items and furnishings.

25 (5) Adult family homes shall provide a nutritious and balanced diet
26 and shall recognize residents' needs for special diets.

27 (6) Adult family homes shall establish health care procedures for
28 the care of residents including medication administration and emergency
29 medical care.

30 (a) Adult family home residents shall be permitted to self-
31 administer medications.

32 (b) Adult family home providers may administer medications and
33 deliver special care only to the extent that the provider is a licensed
34 health care professional for whom the administration of medications is
35 within the scope of practice under Washington law.

36 (7)(a) The provider shall reside at the adult family home, except
37 that exceptions may be authorized by the department for good cause, as
38 defined in rule.

1 (b) A provider that is not an individual shall employ or otherwise
2 engage by contract a qualified resident manager to reside at the adult
3 family home.

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