

2 **HB 2444** - S COMM AMD

3 By Committee on Health & Long-Term Care

4 ADOPTED 03/13/02

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 70.128.120 and 2001 c 319 s 8 are each amended to
8 read 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 United States high school diploma or general
15 educational development (GED) certificate or any English or translated
16 government documentation of the following:

- 17 (a) Successful completion of government-approved public or private
18 school education in a foreign country that includes an annual average
19 of one thousand hours of instruction over twelve years or no less than
20 twelve thousand hours of instruction;

- 21 (b) A foreign college, foreign university, or United States
22 community college two-year diploma;

- 23 (c) Admission to, or completion of coursework at, a foreign
24 university or college for which credit was granted;

- 25 (d) Admission to, or completion of coursework at, a United States
26 college or university for which credits were awarded;

- 27 (e) Admission to, or completion of postgraduate coursework at, a
28 United States college or university for which credits were awarded; or

- 29 (f) Successful passage of the United States board examination for
30 registered nursing, or any professional medical occupation for which
31 college or university education preparation was required;

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

- 33 (4) Literacy in the English language, however, a person not
34 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

1 the resident in his or her primary language and capable of
2 understanding and speaking English well enough to be able to respond
3 appropriately to emergency situations and be able to read and
4 understand resident care plans;

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

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

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

16 (8) Not been convicted of any crime listed in RCW 43.43.830 and
17 43.43.842; and

18 (9) (~~Registered with the department of health; and~~
19 ~~(10)~~) For those applying after September 1, 2001, to be licensed
20 as providers, 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 in a licensed or contracted setting prior to operating or
24 managing an adult family home.

25 NEW SECTION. **Sec. 2.** The following acts or parts of acts are each
26 repealed:

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

28 (2) RCW 18.48.020 (Registration) and 2000 c 93 s 5, 1996 c 81 s 4,
29 & 1995 c 260 s 8;

30 (3) RCW 18.48.030 (Application of uniform disciplinary act) and
31 1995 c 260 s 9;

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

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

1 **Sec. 3.** 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 to the
13 ~~((department of health and the))~~ department of social and health
14 services under ~~((RCW 18.48.060))~~ section 4 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 on adult family
22 homes established under ~~((RCW 18.48.060))~~ section 4 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. 4.** A new section is added to chapter 70.128 RCW
28 to read as follows:

29 (1) In an effort to ensure a cooperative process among the
30 department, adult family home provider representatives, and resident
31 and family representatives on matters pertaining to the adult family
32 home program, the secretary, or his or her designee, shall designate an
33 advisory committee. The advisory committee must include:
34 Representatives from the industry including four adult family home
35 providers, at least two of whom are affiliated with recognized adult
36 family home associations; one representative from the state long-term
37 care ombudsman program; one representative from the statewide resident
38 council program; and two representatives of families and other

1 consumers. The secretary shall appoint a chairperson for the committee
2 from the committee membership for a term of one year. In appointing
3 the chairperson, the secretary shall consult with members of the
4 committee. Depending on the topic to be discussed, the department may
5 invite other representatives in addition to the named members of the
6 advisory committee. The secretary, or his or her designee, shall
7 periodically, but not less than quarterly, convene a meeting of the
8 advisory committee to encourage open dialogue on matters affecting the
9 adult family home program. It is, minimally, expected that the
10 department will discuss with the advisory committee the department's
11 inspection, enforcement, and quality improvement activities, in
12 addition to seeking their comments and recommendations on matters
13 described under subsection (2) of this section.

14 (2) The secretary, or his or her designee, shall seek comments and
15 recommendations from the advisory committee prior to the adoption of
16 rules and standards, implementation of adult family home provider
17 programs, or development of methods and rates of payment.

18 (3) Establishment of the advisory committee shall not prohibit the
19 department of social and health services from utilizing other advisory
20 activities that the department of social and health services deems
21 necessary for program development.

22 (4) Members of the advisory committee shall be reimbursed for
23 travel expenses as provided in RCW 43.03.050 and 43.03.060 from license
24 fees collected under chapter 70.128 RCW.

25 NEW SECTION. **Sec. 5.** 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 2 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. 6.** 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 NEW SECTION. **Sec. 7.** Section 1 of this act is necessary for the
8 immediate preservation of the public peace, health, or safety, or
9 support of the state government and its existing public institutions,
10 and takes effect immediately."

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13 ADOPTED 03/13/02

14 On page 1, line 1 of the title, after "Relating to" strike the
15 remainder of the title and insert "regulation of adult family home
16 providers and resident managers; amending RCW 70.128.120, 70.128.220,
17 and 18.130.040; adding a new section to chapter 70.128 RCW; creating a
18 new section; repealing RCW 18.48.010, 18.48.020, 18.48.030, 18.48.050,
19 and 18.48.060; and declaring an emergency."

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