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**HOUSE BILL 2381**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Macri, Cody, Tarleton, Santos, Johnson, McBride, Muri, Tharinger, Robinson, Valdez, Stanford, Reeves, Appleton, Harris, and Stonier

AN ACT Relating to allowing certain adult family homes to increase capacity to eight beds; amending RCW 70.128.010; and adding a new section to chapter 70.128 RCW.

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

**Sec.**  RCW 70.128.010 and 2007 c 184 s 7 are each amended to read as follows:

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

(1) "Adult family home" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services to up to eight adults upon approval from the department under section 2 of this act.

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

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

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

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

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

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

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

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

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

(11) "Adult family home licensee" means a provider as defined in this section who does not receive payments from the medicaid and state-funded long-term care programs.

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

(1) An applicant requesting to increase bed capacity to seven or eight beds must successfully demonstrate to the department financial solvency and management experience for the home under its ownership and the ability to meet other relevant safety, health, and operating standards pertaining to the operation of an eight bed home, including ways to mitigate the potential impact of vehicular traffic related to the operation of the home.

(2) The department shall only accept and process an application to increase the bed capacity to seven or eight beds when:

(a) A period of no less than twenty-four months has passed since the issuance of the initial adult family home license;

(b) The department has taken no enforcement actions against the applicant's currently licensed adult family homes during the twenty-four months prior to application;

(c) The home has been licensed for six residents for at least twelve months prior to application;

(d) The home has submitted an attestation that an increase in the number of beds will not adversely affect the health, safety, or quality of life of current residents of the home; and

(e) The home has paid any fees associated with licensure or additional inspections.

(3) Prior to issuing a license to operate a seven or eight bed adult family home, the department may conduct an inspection to determine compliance with licensing standards and the ability to meet the needs of eight residents.

(4) Upon application or issuance of an initial seven or eight bed adult family home capacity, a home must provide at least thirty days' notice to all residents and designated guardians of residents that the home has been licensed to admit up to seven or eight residents before admitting a seventh resident.

(5) In the event of serious noncompliance in a seven or eight bed adult family home, in addition to, or in lieu of, the imposition of one or more actions listed in RCW 70.128.160(2), the department may revoke the adult family home's authority to accept more than six residents.

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