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SENATE BILL 5060

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State of Washington

65th Legislature

2017 Regular Session

By Senators O'Ban and Conway

Read first time 01/11/17. Referred to Committee on Health Care.

1 AN ACT Relating to the number of adult family homes permitted in  
2 residential neighborhoods; and amending RCW 70.128.007 and  
3 70.128.040.

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

5 **Sec. 1.** RCW 70.128.007 and 2001 c 319 s 5 are each amended to  
6 read as follows:

7 The purposes of this chapter are to:

8 (1) Encourage the establishment and maintenance of adult family  
9 homes that provide a humane, safe, and residential home environment  
10 for persons with functional limitations who need personal and special  
11 care;

12 (2) Establish standards for regulating adult family homes that  
13 adequately protect residents and the community in which they reside;

14 (3) Encourage consumers, families, providers, and the public to  
15 become active in assuring their full participation in development of  
16 adult family homes that provide high quality and cost-effective care;

17 (4) Provide for appropriate care of residents in adult family  
18 homes by requiring that each resident have a care plan that promotes  
19 the most appropriate level of physical, mental, and psychosocial  
20 well-being consistent with client choice; and

1 (5) Accord each resident the right to participate in the  
2 development of the care plan and in other major decisions involving  
3 the resident and their care.

4 **Sec. 2.** RCW 70.128.040 and 2009 c 530 s 1 are each amended to  
5 read as follows:

6 (1) The department shall adopt rules and standards with respect  
7 to adult family homes and the operators thereof to be licensed under  
8 this chapter to carry out the purposes and requirements of this  
9 chapter. The rules and standards relating to applicants and operators  
10 shall address the differences between individual providers and  
11 providers that are partnerships, corporations, associations, or  
12 companies. The rules and standards shall also recognize and be  
13 appropriate to the different needs and capacities of the various  
14 populations served by adult family homes such as but not limited to  
15 persons who are developmentally disabled or elderly. In developing  
16 rules and standards the department shall recognize the residential  
17 family-like nature of adult family homes and not develop rules and  
18 standards which by their complexity serve as an overly restrictive  
19 barrier to the development of the adult family homes in the state.  
20 However, the rules and standards must also recognize the additional  
21 vehicular traffic and need for services that adult family homes  
22 require in residential neighborhoods. Consequently, the rules and  
23 standards adopted by the department must provide that no more than  
24 two adult family homes may be located within a four block area of a  
25 residential community. Procedures and forms established by the  
26 department shall be developed so they are easy to understand and  
27 comply with. Paper work requirements shall be minimal. Easy to  
28 understand materials shall be developed for applicants and providers  
29 explaining licensure requirements and procedures.

30 (2)(a) In developing the rules and standards, the department  
31 shall consult with all divisions and administrations within the  
32 department serving the various populations living in adult family  
33 homes, including the division of developmental disabilities and the  
34 aging and adult services administration. Involvement by the divisions  
35 and administration shall be for the purposes of assisting the  
36 department to develop rules and standards appropriate to the  
37 different needs and capacities of the various populations served by  
38 adult family homes. During the initial stages of development of  
39 proposed rules, the department shall provide notice of development of

1 the rules to organizations representing adult family homes and their  
2 residents, and other groups that the department finds appropriate.  
3 The notice shall state the subject of the rules under consideration  
4 and solicit written recommendations regarding their form and content.

5 (b) In addition, the department shall engage in negotiated rule  
6 making pursuant to RCW 34.05.310(2)(a) with the exclusive  
7 representative of the adult family home licensees selected in  
8 accordance with RCW 70.128.043 and with other affected interests  
9 before adopting requirements that affect adult family home licensees.

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

13 (4) The department shall establish a specialty license to include  
14 geriatric specialty certification for providers who have successfully  
15 completed the University of Washington school of nursing certified  
16 geriatric certification program and testing.

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