

1 1226-S.E AAS 4/10/91.2665

2 ESHB 1226 - S AMD TO HC COMM AMD (S-2446.1/91)
3 By Senator West

4 Adopted 4/10/91 - Voice Vote

5 On page 1, after line 24 of the amendment, insert the
6 following:

7 "Sec. 3. RCW 18.52.020 and 1991 c 3 s 116 are each amended to
8 read as follows:

9 When used in this chapter, unless the context otherwise
10 clearly requires:

11 (1) "Board" means the state board (~~(of examiners for the~~
12 ~~licensing))~~ of nursing home administrators representative of the
13 professions and institutions concerned with the care of the
14 chronically ill and infirm aged patients.

15 (2) (~~("Secretary" means the secretary of health)~~) "Department"
16 means the department of health.

17 (3) "Nursing home" means any facility or portion thereof
18 licensed under state law as a nursing home.

19 (4) "Nursing home administrator" means an individual in active
20 administrative charge, as defined by the board, of a nursing
21 home(~~(s as defined herein, whether or not having an ownership~~
22 ~~interest in such homes, and although functions and duties may be~~
23 ~~shared with or delegated to other persons: PROVIDED HOWEVER, That~~
24 ~~nothing in this definition or this chapter shall be construed to~~
25 ~~prevent any person, so long as he or she is otherwise qualified,~~

1 ~~from obtaining and maintaining a license even though he or she has~~
2 ~~not administered or does not continue to administer a nursing~~
3 ~~home)).~~

4 (5) "Secretary" means the secretary of health or the
5 secretary's designee."

6 "NEW SECTION. Sec. 4. A new section is added to chapter
7 18.52 RCW to read as follows:

8 In addition to any other authority provided by law, the
9 secretary shall have the following authority:

10 (1) To set all fees required in this chapter in accordance
11 with RCW 43.70.250 which may include fees for approval of
12 continuing competency, supervision of practical experience, all
13 applications, verification, renewal, examination, and late
14 penalties;

15 (2) To establish forms necessary to administer this chapter;

16 (3) To issue a license to any applicant who has met the
17 education, training, and examination requirements for licensure and
18 deny a license to applicants who do not meet the minimum
19 qualifications for licensure, except that proceedings concerning
20 the denial of licenses based on unprofessional conduct or impaired
21 practice shall be governed by the uniform disciplinary act, chapter
22 18.130 RCW;

23 (4) To employ clerical, administrative, and investigative
24 staff as needed to implement and administer this chapter and to
25 employ individuals including those licensed under this chapter to

1 serve as examiners or consultants as necessary to implement and
2 administer this chapter; and

3 (5) To maintain the official department record of all
4 applicants and licensees."

5 "Sec. 5. RCW 18.52.030 and 1970 ex.s. c 57 s 3 are each
6 amended to read as follows:

7 (~~On or after July 1, 1970~~) Nursing homes operating within
8 this state ((must)) shall be under the active, overall
9 administrative charge and supervision of an on-site, full-time
10 administrator licensed as provided in this chapter. ((An
11 administrator may delegate functions and duties to other persons.))
12 No person acting in any capacity, unless ((he is)) the holder of a
13 nursing home administrator's license issued under this chapter,
14 shall be charged with the overall responsibility to make decisions
15 or direct actions involved in managing the internal operation of a
16 nursing home, except as specifically delegated in writing by the
17 administrator to identify a responsible person to act on the
18 administrator's behalf when the administrator is absent during the
19 administrator's normal working hours. The administrator shall
20 review the decisions upon the administrator's return and amend the
21 decisions if necessary. The board shall define by rule the
22 parameters for on-site, full-time administrators in nursing homes
23 with small resident populations, nursing homes in rural areas, or
24 separately licensed facilities collocated on the same campus, as
25 well as provide for the requirements for nursing homes that are

1 temporarily without administrators."

2 "Sec. 6. RCW 18.52.040 and 1975 1st ex.s. c 97 s 1 are each
3 amended to read as follows:

4 (~~(There is hereby created a))~~ The state board of (~~(examiners~~
5 ~~for))~~ nursing home administrators (~~(which))~~ shall consist of nine
6 members appointed by the governor. (~~(All members shall be~~
7 ~~representative of the professions and institutions concerned with~~
8 ~~the care and treatment of chronically ill or infirm elderly~~
9 ~~patients. However, at no time shall representatives of a single~~
10 ~~profession or a single institutional category compose a majority of~~
11 ~~the board membership. In addition, no member who is a~~
12 ~~noninstitutional representative shall have any direct financial~~
13 ~~interest in nursing homes while serving as a member of the board.~~
14 ~~For purposes of this section, nursing home administrators are~~
15 ~~considered representatives of institutions. Eight of the board's~~
16 ~~members shall be privately or self-employed persons who the~~
17 ~~governor finds have had at least four years of actual experience in~~
18 ~~the administration or overall management of licensed nursing homes~~
19 ~~in this state immediately prior to the governor's appointment of~~
20 ~~them to the board; or shall be representatives from the medical~~
21 ~~professions, or health care administration education, or persons~~
22 ~~with four years actual experience in the administration of the~~
23 ~~nursing home unit of a licensed hospital immediately preceding the~~
24 ~~governor's appointment of them to the board; and shall be privately~~
25 ~~or self-employed persons, or persons employed by educational~~

1 ~~institutions, whom the governor appoints because of their special~~
2 ~~knowledge or expertise in the field of long term care or the care~~
3 ~~of the aged and chronically ill: PROVIDED, That one member shall~~
4 ~~be a citizen eligible for medicare who shall have no financial~~
5 ~~interest in or family ownership connection with nursing homes.~~
6 ~~Board members selected who meet any of the preceding qualifications~~
7 ~~may in addition be nurses, physicians or other persons with special~~
8 ~~health care training.)) Four members shall be persons licensed~~
9 ~~under this chapter who have at least four years actual experience~~
10 ~~in the administration of a licensed nursing home in this state~~
11 ~~immediately preceding appointment to the board and who are not~~
12 ~~employed by the state or federal government.~~

13 Four members shall be representatives of the health care
14 professions providing medical or nursing services in nursing homes
15 who are privately or self-employed; or shall be persons employed by
16 educational institutions who have special knowledge or expertise in
17 the field of health care administration, health care education or
18 long-term care or both, or care of the aged and chronically ill.

19 One member shall be a nursing home resident or a family member
20 of a nursing home resident. No member who is a nonadministrator
21 representative shall have any direct or family financial interest
22 in nursing homes while serving as a member of the board. The
23 governor shall consult with and seek the recommendations of the
24 appropriate state-wide business and professional organizations and
25 societies primarily concerned with long term health care facilities
26 in the course of considering his appointments to the board. Board

1 members presently serving shall continue to serve until the
2 expiration of their appointments."

3 "Sec. 7. RCW 18.52.050 and 1970 ex.s. c 57 s 5 are each
4 amended to read as follows:

5 Members of the board shall be citizens of the United States
6 and residents of this state. (~~Except for the initial appointments~~
7 ~~to the first board,~~) All administrator members of the board shall
8 be holders of licenses under this chapter. (~~Three members of the~~
9 board shall be appointed initially for terms of three years, three
10 members shall be appointed for terms of two years, and three
11 members shall be appointed for terms of one year. Thereafter)) The
12 terms of all members shall be (~~three~~) five years. (~~Members of~~
13 the board may be removed by the governor for cause after
14 appropriate notice and hearing.)) Any board member may be removed
15 for just cause including a finding of fact of unprofessional
16 conduct or impaired practice. The governor may appoint a new
17 member to fill any vacancy on the board for the remainder of the
18 unexpired term. No board member may serve more than two
19 consecutive terms, whether full or partial. Board members shall
20 serve until their successors are appointed. Board members shall be
21 compensated in accordance with RCW 43.03.240 and shall be
22 reimbursed for travel expenses as provided in RCW 43.03.050 and
23 43.03.060. The board may elect annually a chair and vice-chair to
24 direct the meetings of the board. The board shall meet at least
25 four times each year and may hold additional meetings as called by

1 the secretary or the chair."

2 "NEW SECTION. **Sec. 8.** A new section is added to chapter
3 18.52 RCW to read as follows:

4 In addition to any authority provided by law, the board shall
5 have the following authority:

6 (1) To adopt rules in accordance with chapter 34.05 RCW
7 necessary to implement this chapter;

8 (2) To determine the minimum education and experience
9 requirements for licensure, including but not limited to approval
10 of educational programs;

11 (3) To prepare and administer or approve the preparation and
12 administration of examinations for licensure;

13 (4) To conduct a hearing on an appeal of a denial of license
14 based on the applicant's failure to meet the minimum qualifications
15 for licensure. The hearing shall be conducted pursuant to chapter
16 34.05 RCW;

17 (5) To establish by rule the procedures for an appeal of an
18 examination failure;

19 (6) To adopt rules implementing a continuing competency
20 program;

21 (7) To issue subpoenas, statements of charges, statements of
22 intent to deny licenses, and orders, and to delegate in writing to
23 a designee to issue subpoenas; and

24 (8) To issue temporary license permits under circumstances
25 defined by the board."

1 "NEW SECTION. **Sec. 9.** A new section is added to chapter
2 18.52 RCW to read as follows:

3 The department shall issue a license to any person applying
4 for a nursing home administrator's license after July 1, 1992, who
5 meets the following requirements:

6 (1) Successful completion of the requirements for a
7 baccalaureate degree from a recognized institution of higher
8 learning: PROVIDED, That if education requirements are adopted by
9 the federal government, the board may adopt rules requiring
10 educational qualifications to meet those requirements;

11 (2) Successful completion of a practical experience
12 requirement as determined by the board;

13 (3) Successful completion of examinations administered or
14 approved by the board, or both, which shall be designed to test
15 the candidate's competence to administer a nursing home;

16 (4) At least twenty-one years of age; and

17 (5) Not having engaged in unprofessional conduct as defined in
18 RCW 18.130.180 or being unable to practice with reasonable skill
19 and safety as defined in RCW 18.130.170. The board shall establish
20 by rule what constitutes adequate proof of meeting the above
21 requirements.

22 A limited license indicating the limited extent of authority
23 to administer institutions certified by such church or denomination
24 teaching religious or spiritual means for healing through prayer,
25 shall be issued to individuals demonstrating membership in such
26 church or denomination. However, nothing in this chapter shall be

1 construed to require an applicant certified by any well established
2 and generally recognized church or religious denomination teaching
3 reliance on spiritual means alone to demonstrate proficiency in any
4 medical techniques or to meet any medical educational
5 qualifications or medical standards not in accord with the remedial
6 care and treatment provided in such institutions."

7 "Sec. 10. RCW 18.52.110 and 1991 c 3 s 120 are each amended
8 to read as follows:

9 (1) Every holder of a nursing home administrator's license
10 shall reregister ~~((it annually with the secretary))~~ on dates
11 specified by the secretary ~~((by making application for
12 reregistration on forms provided by the secretary))~~. Such
13 ~~((reregistration))~~ relicensure shall be granted ~~((automatically))~~
14 upon receipt of a fee determined by the secretary as provided in
15 RCW 43.70.250, and upon fulfilling the continuing ~~((education))~~
16 competency requirement. In the event that any license is not
17 reregistered ~~((within thirty days after the date for reregistration
18 specified by the secretary))~~, the secretary ~~((shall, in accordance
19 with rules prescribed by the board, give notice to the license
20 holder, and))~~ may ~~((thereafter in accordance with rules prescribed
21 by the board))~~ charge up to double the ~~((normal reregistration))~~
22 relicensure fee. In the event that the license of an individual is
23 not ~~((reregistered))~~ relicensed within two years from the most
24 recent date for ~~((reregistration))~~ relicensure it shall lapse and
25 such individual must again apply for licensing and meet all

1 requirements of this chapter for a new applicant. The board may
2 prescribe rules for maintenance of a license at a reduced fee for
3 temporary or permanent withdrawal or retirement from the active
4 practice of nursing home administration.

5 (2) A condition of (~~reregistration~~) relicensure shall be the
6 presentation of proof by the applicant that (~~he or she has~~
7 ~~attended the number of classroom hours of approved educational~~
8 ~~programs, classes, seminars, or proceedings set by the board.~~ The
9 board shall have the power to approve programs, classes, seminars,
10 or proceedings offered in this state or elsewhere by any accredited
11 institution of higher learning or any national or local group or
12 society if such programs, classes, seminars, or proceedings are
13 reasonably related to the administration of nursing homes. The
14 board shall establish rules providing that the applicant for
15 reregistration may present such proofs yearly, or may obtain the
16 cumulative number of required hours over a three year period and
17 present such proofs over periods of three years. In no event shall
18 the number of classroom hours required for any time period exceed
19 the number of such board approved classroom hours reasonably
20 available over such time period on an adult or continuing education
21 basis to nonmatriculating participants in this state.

22 (3) ~~An individual may obtain and reregister a license under~~
23 ~~this chapter although he or she does not actively engage in nursing~~
24 ~~home administration. The licensee shall meet requirements set by~~
25 ~~the board to ensure the individual's continued competency)) the~~
26 board requirement for continuing competency related to the

1 administration of nursing homes has been met."

2 "Sec. 11. RCW 18.52.130 and 1991 c 3 s 121 are each amended
3 to read as follows:

4 The secretary may issue a nursing home administrator's license
5 to anyone who holds a current administrator's license from another
6 jurisdiction upon receipt of an application fee ((determined by the
7 secretary as provided in RCW 43.70.250)) and an annual license fee,
8 ~~((the secretary may issue a nursing home administrator's license,
9 ~~without examination, to any person who holds a current license as~~
10 ~~a nursing home administrator from another jurisdiction))~~ as
11 provided in RCW 43.70.250: PROVIDED, ((That the board finds)) That
12 the standards for licensing in such other jurisdiction are ((at
13 least the)) substantially equivalent ((of)) to those prevailing in
14 this state, and that the applicant is otherwise qualified as
15 determined by the board. ((In the event that there is developed a
16 nationally recognized standard for the licensing of nursing home
17 administrators which is in fact utilized in licensing procedures on
18 a reasonably uniform basis the board may by rule or regulation
19 provide for granting reciprocal licensing on a showing of
20 compliance with such standard.))"~~

21 "Sec. 12. RCW 18.52.140 and 1970 ex.s. c 57 s 14 are each
22 amended to read as follows:

23 It shall be unlawful and constitute a gross misdemeanor for
24 any person to act or serve in the capacity of a nursing home

1 administrator unless he or she is the holder of a nursing home
2 administrator's license issued in accordance with the provisions of
3 this chapter: PROVIDED HOWEVER, That persons carrying out
4 functions and duties delegated by a licensed administrator as
5 defined in RCW 18.52.030 shall not be construed to be committing
6 any unlawful act under this chapter."

7 "NEW SECTION. Sec. 13. The following acts or parts of acts
8 are each repealed:

9 (1) RCW 18.52.060 and 1991 c 3 s 117, 1984 c 287 s 40, 1979 c
10 158 s 45, 1975-'76 2nd ex.s. c 34 s 38, & 1970 ex.s. c 57 s 6;

11 (2) RCW 18.52.100 and 1991 c 35 s 119, 1987 c 150 s 33, 1977
12 ex.s. c 243 s 4, & 1970 ex.s. c 57 s 10; and

13 (3) RCW 18.52.170 and 1970 ex.s. c 57 s 19."

14 "NEW SECTION. Sec. 14. RCW 18.52.070 and 1991 c 3 s
15 118, 1984 c 279 s 65, 1977 ex.s. c 243 s 2, 1975 1st ex.s. c 30 s
16 52, & 1970 ex.s. c 57 s 7 are each repealed, effective July 1,
17 1992."

18 **ESHB 1226** - S AMD TO HC COMM AMD (S-2446.1/91)
19 By Senator West

20 Adopted 4/10/91 - Voice Vote

21 On page 2, line 5 of the title amendment, after "insert "
22 insert "amending RCW 18.52.020, 18.52.030, 18.52.040, 18.52.050,
23 18.52.110, 18.52.130, and 18.52.140;" and after "74.42 RCW;" strike
24 "and"

1 On page 2, line 6 of the title amendment, after "74.46 RCW"
2 insert "; adding new sections to chapter 18.52 RCW; and repealing
3 RCW 18.52.060, 18.52.100, 18.52.170, and 18.52.070."