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SENATE BILL 5820

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State of Washington                      52nd Legislature                      1991 Regular Session

By Senators L. Smith, Niemi, Bailey, L. Kreidler and Bauer.

Read first time February 22, 1991. Referred to Committee on Health & Long-Term Care.

1            AN ACT Relating to residential care options for medically fragile  
2 children; amending RCW 74.15.010 and 74.15.020; adding a new section to  
3 chapter 74.15 RCW; and creating new sections.

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

5            NEW SECTION.    **Sec. 1.**            The legislature finds that medical  
6 advances have enabled many children to survive severe, life-threatening  
7 injuries, illnesses, and births. Many of these children subsequently  
8 require life support systems and substantial nursing care and  
9 monitoring for years.            The legislature recognizes that the  
10 extraordinary in-home care needs of some medically fragile children may  
11 jeopardize family integrity and threaten the child's health and safety.  
12 Washington currently offers a limited range of long-term care options  
13 for medically fragile children. The legislature declares that the  
14 availability of an array of residential and family resource options  
15 enables parents and caregivers of medically fragile children to

1 preserve family wholeness and maintain family involvement while meeting  
2 the health, safety, and developmental needs of their child.

3 **Sec. 2.** RCW 74.15.010 and 1983 c 3 s 192 are each amended to read  
4 as follows:

5 The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

6 (1) To safeguard the well-being of children, expectant mothers and  
7 developmentally disabled persons receiving care away from their own  
8 homes;

9 (2) To strengthen and encourage family unity and to sustain  
10 parental rights and responsibilities to the end that foster care is  
11 provided only when a child's family, through the use of all available  
12 resources, is unable to provide necessary care;

13 (3) To ensure the availability and development of an array of  
14 residential and family resource options that sustain family  
15 involvement, preserve family integrity, and appropriately meet the  
16 health, safety, and developmental demands of medically fragile  
17 children;

18 (4) To promote the development of a sufficient number and variety  
19 of adequate child-care and maternity-care facilities, both public and  
20 private, through the cooperative efforts of public and voluntary  
21 agencies and related groups((~~-~~));

22 ((~~+4~~)) (5) To provide consultation to agencies caring for  
23 children, expectant mothers or developmentally disabled persons in  
24 order to help them to improve their methods of and facilities for care;

25 ((~~+5~~)) (6) To license agencies as defined in RCW 74.15.020 and to  
26 assure the users of such agencies, their parents, the community at  
27 large and the agencies themselves that adequate minimum standards are  
28 maintained by all agencies caring for children, expectant mothers and  
29 developmentally disabled persons.

1       **Sec. 3.** RCW 74.15.020 and 1988 c 176 s 912 are each amended to  
2 read as follows:

3       For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless  
4 otherwise clearly indicated by the context thereof, the following terms  
5 shall mean:

6       (1) "Department" means the state department of social and health  
7 services;

8       (2) "Secretary" means the secretary of social and health services;

9       (3) "Agency" means any person, firm, partnership, association,  
10 corporation, or facility which receives children, expectant mothers, or  
11 persons with developmental disabilities for control, care, or  
12 maintenance outside their own homes, or which places, arranges the  
13 placement of, or assists in the placement of children, expectant  
14 mothers, or persons with developmental disabilities for foster care or  
15 placement of children for adoption, and shall include the following  
16 irrespective of whether there is compensation to the agency or to the  
17 children, expectant mothers or persons with developmental disabilities  
18 for services rendered:

19       (a) "Group-care facility" means an agency, other than a foster-  
20 family home, which is maintained and operated for the care of a group  
21 of children on a twenty-four hour basis;

22       (b) "Child-placing agency" means an agency which places a child or  
23 children for temporary care, continued care, or for adoption;

24       (c) "Maternity service" means an agency which provides or arranges  
25 for care or services to expectant mothers, before or during  
26 confinement, or which provides care as needed to mothers and their  
27 infants after confinement;

28       (d) "Day-care center" means an agency which regularly provides care  
29 for a group of children for periods of less than twenty-four hours;

1 (e) "Foster-family home" means an agency which regularly provides  
2 care on a twenty-four hour basis to one or more children, expectant  
3 mothers, or persons with developmental disabilities in the family abode  
4 of the person or persons under whose direct care and supervision the  
5 child, expectant mother, or person with a developmental disability is  
6 placed;

7 (f) "Crisis residential center" means an agency which is a  
8 temporary protective residential facility operated to perform the  
9 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
10 74.13.032 through 74.13.036.

11 (4) "Agency" shall not include the following:

12 (a) Persons related by blood or marriage to the child, expectant  
13 mother, or persons with developmental disabilities in the following  
14 degrees: Parent, grandparent, brother, sister, stepparent,  
15 stepbrother, stepsister, uncle, aunt, and/or first cousin;

16 (b) Persons who are legal guardians of the child, expectant mother,  
17 or persons with developmental disabilities;

18 (c) Persons who care for a neighbor's or friend's child or  
19 children, with or without compensation, where the person does not  
20 engage in such activity on a regular basis, or where parents on a  
21 mutually cooperative basis exchange care of one another's children, or  
22 persons who have the care of an exchange student in their own home;

23 (d) Nursery schools or kindergartens which are engaged primarily in  
24 educational work with preschool children and in which no child is  
25 enrolled on a regular basis for more than four hours per day;

26 (e) Schools, including boarding schools, which are engaged  
27 primarily in education, operate on a definite school year schedule,  
28 follow a stated academic curriculum, accept only school-age children  
29 and do not accept custody of children;

1 (f) Seasonal camps of three months' or less duration engaged  
2 primarily in recreational or educational activities;

3 (g) Hospitals licensed pursuant to chapter 70.41 RCW when  
4 performing functions defined in chapter 70.41 RCW, nursing homes  
5 licensed under chapter 18.51 RCW and boarding homes licensed under  
6 chapter 18.20 RCW;

7 (h) Licensed physicians or lawyers;

8 (i) Facilities providing care to children for periods of less than  
9 twenty-four hours whose parents remain on the premises to participate  
10 in activities other than employment;

11 (j) Facilities approved and certified under chapter 71A.22 RCW;

12 (k) Any agency having been in operation in this state ten years  
13 prior to June 8, 1967, and not seeking or accepting moneys or  
14 assistance from any state or federal agency, and is supported in part  
15 by an endowment or trust fund;

16 (l) Persons who have a child in their home for purposes of  
17 adoption, if the child was placed in such home by a licensed child-  
18 placing agency, an authorized public or tribal agency or court or if a  
19 preplacement report has been filed under chapter 26.33 RCW and the  
20 placement has been approved by the court;

21 (m) An agency operated by any unit of local, state, or federal  
22 government or an agency, located within the boundaries of a federally  
23 recognized Indian reservation, licensed by the Indian tribe;

24 (n) An agency located on a federal military reservation, except  
25 where the military authorities request that such agency be subject to  
26 the licensing requirements of this chapter.

27 (5) "Requirement" means any rule, regulation or standard of care to  
28 be maintained by an agency((~~-~~))*i*

29 (6) "Medically fragile children" means individuals up to age  
30 eighteen who: (a) Have chronic health-related dependence, (b)

1 continually, or at unpredictable times, need twenty-four hour a day  
2 skilled health care interventions and supervision, and readily  
3 available skilled health care providers, and (c) may, without immediate  
4 health care intervention, experience irreversible damage, death, or  
5 rapid deterioration if the technological support and services being  
6 received are interrupted or denied.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.15 RCW  
8 to read as follows:

9 (1) The department shall establish a coordinated children's long-  
10 term care policy incorporating a continuum of family resource options  
11 based on the individual needs and choices of the medically fragile  
12 child and his or her family. The policy shall incorporate an array of  
13 both in-home and residential family resource options and ensure family  
14 involvement and choice in all decisions regarding their child's care.

15 (2) The children's long-term care policy shall require the  
16 department, in collaboration with families, other involved caregivers,  
17 and health care providers, to develop an individualized family and  
18 child centered plan guiding the utilization of family resource options  
19 for medically fragile children. This plan shall be designed to  
20 preserve family integrity and involvement and ensure a stable, safe,  
21 and nurturing home-like environment that meets the health care needs of  
22 the medically fragile child. The department shall assure stability for  
23 families and children when planning and utilizing both in-home and  
24 residential family resource options.

25 (3) Residential care options shall include the following:

26 (a) Specialized group care facilities as defined by RCW 74.15.020  
27 for medically fragile children offering twenty-four hour skilled  
28 nursing care, physician services, specialized therapies, psycho-social

1 supports, caregiver training, and educational services in a single  
2 setting by contractors or agents of those contractors;

3 (b) Small specialized medical group homes in residential  
4 neighborhoods offering acute skilled nursing care, physician services,  
5 specialized therapies, psycho-social supports, caregiver training, and  
6 educational services provided by contractors or agents of those  
7 contractors; and

8 (c) Specialized medical foster homes.

9 (4) Residential care options as identified in subsection (3) of  
10 this section may provide temporary services to families requiring a  
11 break from caregiving or other short or long-term services according to  
12 the individualized family resource options plan as defined in  
13 subsection (2) of this section.

14 (5) Nothing in RCW 74.15.010, 74.15.020, or this section shall  
15 limit specialized group care facilities to a single, free-standing  
16 facility. Agencies may provide more than one type of residential  
17 option clustered within a limited geographic area.

18 (6) The department shall develop an interagency agreement with the  
19 department of health that establishes minimum standards and guides the  
20 selection of facilities and agencies authorized to establish  
21 residential care options for medically fragile children as defined in  
22 subsection (3) of this section. The legislative budget committee shall  
23 provide oversight in developing this agreement and the children's long-  
24 term care policy and prepare a report to the legislature.

25 NEW SECTION. **Sec. 5.** The legislative budget committee shall  
26 conduct an independent evaluation of short and long-term residential  
27 care options for medically fragile children. The evaluation shall  
28 identify the number of medically fragile children and available  
29 residential care options, compare the quality assurance and health and

1 safety standards of available options, and identify inconsistencies in  
2 licensing authority and standards. The evaluation shall make  
3 recommendations to the legislature on the expansion of residential care  
4 options for medically fragile children and the licensing authority and  
5 standards for such options.