

2 **HB 2152 - H AMD 057 WITHDRAWN 2-2-96**

3 By Representatives Carlson, Dyer and others

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5 On page 5, after line 27, insert the following:

6 "Sec. 6. RCW 70.128.040 and 1995 c 260 s 3 are each amended to
7 read as follows:

8 (1) The department shall adopt rules and standards with respect to
9 adult family homes and the operators thereof to be licensed under this
10 chapter to carry out the purposes and requirements of this chapter.
11 The rules and standards relating to applicants and operators shall
12 address the differences between the nature of the ownership and number
13 of adult family homes owned in whole or in part by the same person,
14 including: (a) Individual resident providers of a single facility; (b)
15 individual providers of a single facility; (c) individual providers of
16 more than a single facility; (d) providers of a single facility that
17 are partnerships, corporations, associations, or companies; and (e)
18 providers of more than a single facility that are partnerships,
19 corporations, associations, or companies. The rules and standards
20 shall also recognize and be appropriate to the size of the adult family
21 homes and number of beds provided at the adult family homes. The rules
22 and standards shall also recognize and be appropriate to the different
23 needs and capacities of the various populations served by adult family
24 homes such as but not limited to the developmentally disabled and the
25 elderly. In developing rules and standards the department shall
26 recognize the residential family-like nature of adult family homes and
27 not develop rules and standards which by their complexity serve as an
28 overly restrictive barrier to the development of the adult family homes
29 in the state. Procedures and forms established by the department shall
30 be developed so they are easy to understand and comply with. Paper
31 work requirements shall be minimal. Easy to understand materials shall
32 be developed for applicants and providers explaining licensure
33 requirements and procedures.

34 (2) In developing the rules and standards, the department shall
35 consult with all divisions and administrations within the department
36 serving the various populations living in adult family homes, including

1 the division of developmental disabilities and the aging and adult
2 services administration. Involvement by the divisions and
3 administration shall be for the purposes of assisting the department to
4 develop rules and standards appropriate to the different needs and
5 capacities of the various populations served by adult family homes.
6 During the initial stages of development of proposed rules, the
7 department shall provide notice of development of the rules to
8 organizations representing adult family homes and their residents, and
9 other groups that the department finds appropriate. The notice shall
10 state the subject of the rules under consideration and solicit written
11 recommendations regarding their form and content.

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

15 **Sec. 7.** RCW 70.128.060 and 1995 c 260 s 4 are each amended to read
16 as follows:

17 (1) An application for license shall be made to the department upon
18 forms provided by it and shall contain such information as the
19 department reasonably requires.

20 (2) The department shall issue a license to an adult family home if
21 the department finds that the applicant and the home are in compliance
22 with this chapter and the rules adopted under this chapter, unless (a)
23 the applicant has prior violations of this chapter relating to the
24 adult family home subject to the application or any other adult family
25 home, or of any other law regulating residential care facilities within
26 the past five years that resulted in revocation or nonrenewal of a
27 license; or (b) the applicant has a history of significant
28 noncompliance with federal, state, or local laws, rules, or regulations
29 relating to the provision of care or services to vulnerable adults or
30 to children.

31 (3) The license fee shall be submitted with the application.

32 (4) The department shall serve upon the applicant a copy of the
33 decision granting or denying an application for a license. An
34 applicant shall have the right to contest denial of his or her
35 application for a license as provided in chapter 34.05 RCW by
36 requesting a hearing in writing within twenty-eight days after receipt
37 of the notice of denial.

1 (5) The department shall not issue a license to a provider if the
2 department finds that the provider or any partner, officer, director,
3 managerial employee, or owner of five percent or more if the provider
4 has a history of significant noncompliance with federal or state
5 regulations, rules, or laws in providing care or services to vulnerable
6 adults or to children.

7 (6) The department shall license an adult family home for the
8 maximum level of care that the adult family home may provide. The
9 department shall define, in rule, license levels based upon the
10 education, training, and caregiving experience of the licensed provider
11 or staff.

12 (7) The department shall establish, by rule, standards used to
13 license nonresident providers where the owner does not live in the
14 facility and multiple facility operators, including where appropriate
15 and permitted under the federal fair housing law, the dispersal of
16 adult family homes where the owner does not live in the facility to
17 avoid the concentration of such facilities in the same predominantly
18 residential area.

19 (8) The department shall establish, by rule, for multiple facility
20 operators educational standards substantially equivalent to recognized
21 national certification standards for residential care administrators.

22 (9) The license fee shall be set at fifty dollars per year for each
23 home. A fifty dollar processing fee shall also be charged each home
24 when the home is initially licensed."

25 Renumber the remaining section consecutively.

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27 By Representative Carlson

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29 On page 1, line 2 of the title, after "18.48.010," strike "and
30 18.48.020" and insert "18.48.020, 70.128.040, and 70.128.060"

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