

2 **SSB 5799 - H COMM AMD ADOPTED 4/12/95**

3 By Committee on Health Care

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 70.128.005 and 1989 c 427 s 14 are each amended to
8 read as follows:

9 The legislature finds that adult family homes are an important part
10 of the state's long-term care system. Adult family homes provide an
11 alternative to institutional care and promote a high degree of
12 independent living for residents. Persons with functional limitations
13 have broadly varying service needs. Adult family homes that can meet
14 those needs are an essential component of a long-term system. The
15 legislature further finds that different populations living in adult
16 family homes, such as the developmentally disabled and the elderly,
17 often have significantly different needs and capacities from one
18 another.

19 It is the legislature's intent that department rules and policies
20 relating to the licensing and operation of adult family homes recognize
21 and accommodate the different needs and capacities of the various
22 populations served by the homes. Furthermore, the development and
23 operation of adult family homes that can provide quality personal care
24 and special care services should be encouraged.

25 **Sec. 2.** RCW 70.128.010 and 1989 c 427 s 16 are each amended to
26 read as follows:

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

29 (1) "Adult family home" means a regular family abode ~~((of))~~ in
30 which a person or persons ~~((who are providing))~~ provides personal care,
31 special care, room, and board to more than one but not more than
32 ~~((four))~~ six adults who are not related by blood or marriage to the
33 person or persons providing the services ~~((; except that a maximum of~~
34 ~~six adults may be permitted if the department determines that the home~~

1 ~~is of adequate size and that the home and the provider are capable of~~
2 ~~meeting standards and qualifications as provided for in this act)).~~

3 (2) "Provider" means any person who is licensed under this chapter
4 to operate an adult family home. ~~((The provider shall reside at the~~
5 ~~adult family home, except that exceptions may be authorized by the~~
6 ~~department for good cause, as defined in rule.))~~ For the purposes of
7 this section, "person" means any individual, partnership, corporation,
8 association, or limited liability company.

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

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

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

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

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

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

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

25 **Sec. 3.** RCW 70.128.040 and 1989 c 427 s 18 are each amended to
26 read as follows:

27 (1) The department shall adopt rules and standards with respect to
28 ~~((all))~~ adult family homes and the operators thereof to be licensed
29 under this chapter to carry out the purposes and requirements of this
30 chapter. The rules and standards relating to applicants and operators
31 shall address the differences between individual providers and
32 providers that are partnerships, corporations, associations, or
33 companies. The rules and standards shall also recognize and be
34 appropriate to the different needs and capacities of the various
35 populations served by adult family homes such as but not limited to the
36 developmentally disabled and the elderly. In developing rules and
37 standards the department shall recognize the residential family-like
38 nature of adult family homes and not develop rules and standards which

1 by their complexity serve as an overly restrictive barrier to the
2 development of the adult family homes in the state. Procedures and
3 forms established by the department shall be developed so they are easy
4 to understand and comply with. Paper work requirements shall be
5 minimal. Easy to understand materials shall be developed for ((homes))
6 applicants and providers explaining licensure requirements and
7 procedures.

8 (2) In developing the rules and standards, the department shall
9 consult with all divisions and administrations within the department
10 serving the various populations living in adult family homes, including
11 the division of developmental disabilities and the aging and adult
12 services administration. Involvement by the divisions and
13 administration shall be for the purposes of assisting the department to
14 develop rules and standards appropriate to the different needs and
15 capacities of the various populations served by adult family homes.
16 During the initial stages of development of proposed rules, the
17 department shall provide notice of development of the rules to
18 organizations representing adult family homes and their residents, and
19 other groups that the department finds appropriate. The notice shall
20 state the subject of the rules under consideration and solicit written
21 recommendations regarding their form and content.

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

25 **Sec. 4.** RCW 70.128.060 and 1989 c 427 s 20 are each amended to
26 read as follows:

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

30 (2) The department shall issue a license to an adult family home if
31 the department finds that the applicant and the home are in compliance
32 with this chapter and the rules adopted under this chapter(~~(/and~~
33 ~~that))~~, unless (a) the applicant has ((no)) prior violations of this
34 chapter relating to the adult family home subject to the application or
35 any other adult family home, or of any other law regulating residential
36 care facilities within the past five years that resulted in revocation
37 or nonrenewal of a license; or (b) the applicant has a history of
38 significant noncompliance with federal, state, or local laws, rules, or

1 regulations relating to the provision of care or services to vulnerable
2 adults or to children.

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

4 (4) The department shall serve upon the applicant a copy of the
5 decision granting or denying an application for a license. An
6 applicant shall have the right to contest denial of his or her
7 application for a license as provided in chapter 34.05 RCW by
8 requesting a hearing in writing within (~~ten~~) twenty-eight days after
9 receipt of the notice of denial.

10 (~~5~~) (~~A provider shall not be licensed for more than one adult~~
11 ~~family home. Exceptions may be authorized by the department for good~~
12 ~~cause, as defined in rule. The department shall submit to appropriate~~
13 ~~committees of the legislature, by December 1, 1991, a report on the~~
14 ~~number and type of good cause exceptions granted.~~

15 (~~6~~) The department shall not issue a license to a provider if the
16 department finds that the provider or any partner, officer, director,
17 managerial employee, or owner of five percent or more if the provider
18 has a history of significant noncompliance with federal or state
19 regulations, rules, or laws in providing care or services to vulnerable
20 adults or to children.

21 (6) The department shall license an adult family home for the
22 maximum level of care that the adult family home may provide. The
23 department shall define, in rule, license levels based upon the
24 education, training, and caregiving experience of the licensed provider
25 or staff.

26 (7) The department shall establish, by rule, standards used to
27 license nonresident providers and multiple facility operators.

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

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

34 **Sec. 5.** RCW 70.128.120 and 1989 c 427 s 24 are each amended to
35 read as follows:

36 An adult family home provider shall have the following minimum
37 qualifications:

38 (1) Twenty-one years of age or older;

- 1 (2) Good moral and responsible character and reputation;
- 2 (3) Literacy; (~~and~~)
- 3 (4) Management and administrative ability to carry out the
- 4 requirements of this chapter;
- 5 (5) Satisfactory completion of department-approved initial training
- 6 and continuing education training as specified by the department in
- 7 rule;
- 8 (6) Satisfactory completion of department-approved, or equivalent,
- 9 special care training before a provider may provide special care
- 10 services to a resident;
- 11 (7) Not been convicted of any crime listed in RCW 43.43.830 and
- 12 43.43.842; and
- 13 (8) Registered with the department of health.

14 **Sec. 6.** RCW 70.128.130 and 1989 c 427 s 26 are each amended to
15 read as follows:

16 (1) Adult family homes shall be maintained internally and
17 externally in good repair and condition. Such homes shall have safe
18 and functioning systems for heating, cooling, hot and cold water,
19 electricity, plumbing, garbage disposal, sewage, cooking, laundry,
20 artificial and natural light, ventilation, and any other feature of the
21 home.

22 (2) Adult family homes shall be maintained in a clean and sanitary
23 manner, including proper sewage disposal, food handling, and hygiene
24 practices.

25 (3) Adult family homes shall develop a fire drill plan for
26 emergency evacuation of residents, shall have smoke detectors in each
27 bedroom where a resident is located, shall have fire extinguishers on
28 each floor of the home, and shall not keep nonambulatory patients above
29 the first floor of the home.

30 (4) Adult family homes shall have clean, functioning, and safe
31 household items and furnishings.

32 (5) Adult family homes shall provide a nutritious and balanced diet
33 and shall recognize residents' needs for special diets.

34 (6) Adult family homes shall establish health care procedures for
35 the care of residents including medication administration and emergency
36 medical care.

37 (a) Adult family home residents shall be permitted to self-
38 administer medications.

1 (b) Adult family home providers may administer medications and
2 deliver special care only to the extent (~~that the provider is a~~
3 ~~licensed health care professional for whom the administration of~~
4 ~~medications is within the scope of practice under Washington~~)
5 authorized by law.

6 (7) Adult family home providers shall either: (a) Reside at the
7 adult family home; or (b) employ or otherwise contract with a qualified
8 resident manager to reside at the adult family home. The department
9 may exempt, for good cause, a provider from the requirements of this
10 subsection by rule.

11 (8) A provider will ensure that any volunteer, student, employee,
12 or person residing within the adult family home who will have
13 unsupervised access to any resident shall not have been convicted of a
14 crime listed under RCW 43.43.830 or 43.43.842. Except that a person
15 may be conditionally employed pending the completion of a criminal
16 conviction background inquiry.

17 (9) A provider shall offer activities to residents under care as
18 defined by the department in rule.

19 (10) An adult family home provider shall ensure that staff are
20 competent and receive necessary training to perform assigned tasks.

21 NEW SECTION. Sec. 7. Unless the context clearly requires
22 otherwise, the definitions in this section apply throughout this
23 chapter.

24 (1) "Secretary" means the secretary of the department of health.

25 (2) "Adult family home" means a regular family abode of a person or
26 persons who are providing personal care, room, and board to more than
27 one but not more than four adults who are not related by blood or
28 marriage to the person or persons providing the services. A maximum of
29 six adults may be permitted by the department of social and health
30 services under chapter 70.128 RCW.

31 (3) "Operator" means a provider who is licensed under chapter
32 70.128 RCW to operate an adult family home.

33 (4) "Person" includes an individual, firm, corporation,
34 partnership, or association.

35 NEW SECTION. Sec. 8. A person who operates an adult family home
36 shall register the home with the secretary. Each separate location of

1 the business of an adult family home shall have a separate
2 registration.

3 The secretary, by rule, shall establish forms and procedures for
4 the processing of operator registration applications, including the
5 payment of registration fees pursuant to RCW 43.70.250. An application
6 for an adult family home operator registration shall include at least
7 the following information:

8 (1) The names and addresses of the operator of the adult family
9 home; and

10 (2) If the operator is a corporation, copies of its articles of
11 incorporation and current bylaws, together with the names and addresses
12 of its officers and directors.

13 A registration issued by the secretary in accordance with this
14 section shall remain effective for a period of one year from the date
15 of its issuance unless the registration is revoked or suspended
16 pursuant to section 9 of this act, or unless the adult family home is
17 sold or ownership or management is transferred, in which case the
18 registration of the home shall be voided and the operator shall apply
19 for a new registration.

20 NEW SECTION. **Sec. 9.** The uniform disciplinary act, chapter 18.130
21 RCW, shall govern the issuance and denial of registration and the
22 discipline of persons registered under this chapter. The secretary
23 shall be the disciplinary authority under this chapter.

24 NEW SECTION. **Sec. 10.** Sections 7 through 9 of this act shall
25 constitute a new chapter in Title 18 RCW.

26 **Sec. 11.** RCW 18.130.040 and 1994 sp.s. c 9 s 603 and 1994 c 17 s
27 19 are each reenacted and amended to read as follows:

28 (1) This chapter applies only to the secretary and the boards and
29 commissions having jurisdiction in relation to the professions licensed
30 under the chapters specified in this section. This chapter does not
31 apply to any business or profession not licensed under the chapters
32 specified in this section.

33 (2)(a) The secretary has authority under this chapter in relation
34 to the following professions:

35 (i) Dispensing opticians licensed under chapter 18.34 RCW;

36 (ii) Naturopaths licensed under chapter 18.36A RCW;

1 (iii) Midwives licensed under chapter 18.50 RCW;
2 (iv) Ocularists licensed under chapter 18.55 RCW;
3 (v) Massage operators and businesses licensed under chapter 18.108
4 RCW;
5 (vi) Dental hygienists licensed under chapter 18.29 RCW;
6 (vii) Acupuncturists certified under chapter 18.06 RCW;
7 (viii) Radiologic technologists certified and x-ray technicians
8 registered under chapter 18.84 RCW;
9 (ix) Respiratory care practitioners certified under chapter 18.89
10 RCW;
11 (x) Persons registered or certified under chapter 18.19 RCW;
12 (xi) Persons registered as nursing pool operators under chapter
13 18.52C RCW;
14 (xii) Nursing assistants registered or certified under chapter
15 18.79 RCW;
16 (xiii) Health care assistants certified under chapter 18.135 RCW;
17 (xiv) Dietitians and nutritionists certified under chapter 18.138
18 RCW;
19 (xv) Sex offender treatment providers certified under chapter
20 18.155 RCW; ((and))
21 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW
22 18.71.205; and
23 (xvii) Persons registered as adult family home operators under
24 section 8 of this act.
25 (b) The boards and commissions having authority under this chapter
26 are as follows:
27 (i) The podiatric medical board as established in chapter 18.22
28 RCW;
29 (ii) The chiropractic quality assurance commission as established
30 in chapter 18.25 RCW;
31 (iii) The dental quality assurance commission as established in
32 chapter 18.32 RCW;
33 (iv) The board on fitting and dispensing of hearing aids as
34 established in chapter 18.35 RCW;
35 (v) The board of examiners for nursing home administrators as
36 established in chapter 18.52 RCW;
37 (vi) The optometry board as established in chapter 18.54 RCW
38 governing licenses issued under chapter 18.53 RCW;

1 (vii) The board of osteopathic medicine and surgery as established
2 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
3 18.57A RCW;

4 (viii) The board of pharmacy as established in chapter 18.64 RCW
5 governing licenses issued under chapters 18.64 and 18.64A RCW;

6 (ix) The medical quality assurance commission as established in
7 chapter 18.71 RCW governing licenses and registrations issued under
8 chapters 18.71 and 18.71A RCW;

9 (x) The board of physical therapy as established in chapter 18.74
10 RCW;

11 (xi) The board of occupational therapy practice as established in
12 chapter 18.59 RCW;

13 (xii) The nursing care quality assurance commission as established
14 in chapter 18.79 RCW governing licenses issued under that chapter;

15 (xiii) The examining board of psychology and its disciplinary
16 committee as established in chapter 18.83 RCW;

17 (xiv) The veterinary board of governors as established in chapter
18 18.92 RCW.

19 (3) In addition to the authority to discipline license holders, the
20 disciplining authority has the authority to grant or deny licenses
21 based on the conditions and criteria established in this chapter and
22 the chapters specified in subsection (2) of this section. This chapter
23 also governs any investigation, hearing, or proceeding relating to
24 denial of licensure or issuance of a license conditioned on the
25 applicant's compliance with an order entered pursuant to RCW 18.130.160
26 by the disciplining authority.

27 NEW SECTION. **Sec. 12.** Sections 7 through 11 of this act shall
28 take effect January 1, 1996."

29 Correct the title accordingly.

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