

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2152

Chapter 81, Laws of 1996

54th Legislature
1996 Regular Session

ADULT FAMILY HOME PROVIDERS--REGISTRATION REQUIREMENTS

EFFECTIVE DATE: 7/1/96

Passed by the House March 4, 1996
Yeas 85 Nays 8

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate February 29, 1996
Yeas 31 Nays 15

JOEL PRITCHARD
President of the Senate

Approved March 15, 1996

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2152** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 15, 1996 - 3:12 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 2152

AS AMENDED BY THE SENATE

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By Representatives Dyer, Backlund, Cody, Morris, Carlson, Thompson,
Costa and Murray; by request of Department of Health

Read first time 01/08/96. Referred to Committee on Health Care.

1 AN ACT Relating to registration of adult family home providers and
2 resident managers; amending RCW 70.128.120, 18.48.010, and 18.48.020;
3 reenacting and amending RCW 18.130.040; adding new sections to chapter
4 18.48 RCW; and providing an effective date.

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

6 **Sec. 1.** RCW 70.128.120 and 1995 1st sp.s. c 18 s 117 are each
7 amended to read as follows:

8 ((An)) Each adult family home provider and each resident manager
9 shall have the following minimum qualifications:

- 10 (1) Twenty-one years of age or older;
- 11 (2) Good moral and responsible character and reputation;
- 12 (3) Literacy;
- 13 (4) Management and administrative ability to carry out the
14 requirements of this chapter;
- 15 (5) Satisfactory completion of department-approved initial training
16 and continuing education training as specified by the department in
17 rule;

1 (6) Satisfactory completion of department-approved, or equivalent,
2 special care training before a provider may provide special care
3 services to a resident;

4 (7) Not been convicted of any crime listed in RCW 43.43.830 and
5 43.43.842; and

6 (8) Effective July 1, 1996, registered with the department of
7 health.

8 **Sec. 2.** RCW 18.48.010 and 1995 c 260 s 7 are each amended to read
9 as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this chapter.

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

13 (2) "Adult family home" means a regular family abode of a person or
14 persons who provide personal care, special care, room, and board to
15 more than one but not more than six adults who are not related by blood
16 or marriage to the person or persons providing the services.

17 (3) (~~"Operator" means a provider who is licensed under chapter~~
18 ~~70.128 RCW to operate an adult family home.~~

19 (4) ~~"Person" includes an individual, firm, corporation,~~
20 ~~partnership, or association))~~ "Resident manager" means a person who is
21 employed or otherwise is contracted with by the provider to manage the
22 adult family home.

23 (4) "Provider" means any person who is licensed under chapter
24 70.128 RCW to operate an adult family home. For the purposes of this
25 section, "person" means any individual, partnership, corporation,
26 association, or limited liability company.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.48 RCW
28 to read as follows:

29 A provider who operates more than one adult family home must
30 register for each separate location.

31 **Sec. 4.** RCW 18.48.020 and 1995 c 260 s 8 are each amended to read
32 as follows:

33 (~~A person who operates an adult family home shall register the~~
34 ~~home with the secretary. Each separate location of the business of an~~
35 ~~adult family home shall have a separate registration.)) (1) The~~

1 secretary shall register adult family home providers and resident
2 managers.

3 (2) The secretary, by policy or rule, shall define terms and
4 establish forms and procedures for (~~the processing of operator~~)
5 registration applications, including the payment of registration fees
6 pursuant to RCW 43.70.250. An application for an adult family home
7 (~~operator~~) resident manager or provider registration shall include at
8 least the following information:

9 (~~(1)~~) (a) (~~The names and addresses of the operator of the adult~~
10 ~~family home~~) Name and address; and

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

14 (~~A registration issued by the secretary in accordance with this~~
15 ~~section shall remain effective for a period of one year from the date~~
16 ~~of its issuance unless the registration is revoked or suspended~~
17 ~~pursuant to RCW 18.48.030, or unless~~)

18 (3) The secretary shall adopt policies or rules to establish the
19 registration periods, fees, and procedures. If the adult family home
20 is sold or ownership or management is transferred, (~~in which case~~)
21 the registration (~~of the home~~) shall be voided and the (~~operator~~)
22 provider and resident manager shall apply for a new registration.

23 **Sec. 5.** RCW 18.130.040 and 1995 c 336 s 2, 1995 c 323 s 16, 1995
24 c 260 s 11, and 1995 c 1 s 19 (Initiative Measure No. 607) are each
25 reenacted and amended to read as follows:

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

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

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

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

35 (iii) Midwives licensed under chapter 18.50 RCW;

36 (iv) Ocularists licensed under chapter 18.55 RCW;

37 (v) Massage operators and businesses licensed under chapter 18.108
38 RCW;

1 (vi) Dental hygienists licensed under chapter 18.29 RCW;
2 (vii) Acupuncturists licensed under chapter 18.06 RCW;
3 (viii) Radiologic technologists certified and x-ray technicians
4 registered under chapter 18.84 RCW;
5 (ix) Respiratory care practitioners certified under chapter 18.89
6 RCW;
7 (x) Persons registered or certified under chapter 18.19 RCW;
8 (xi) Persons registered as nursing pool operators under chapter
9 18.52C RCW;
10 (xii) Nursing assistants registered or certified under chapter
11 18.79 RCW;
12 (xiii) Health care assistants certified under chapter 18.135 RCW;
13 (xiv) Dietitians and nutritionists certified under chapter 18.138
14 RCW;
15 (xv) Sex offender treatment providers certified under chapter
16 18.155 RCW;
17 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW
18 18.71.205;
19 (xvii) Persons registered as adult family home (~~operators~~)
20 providers and resident managers under RCW 18.48.020; and
21 (xviii) Denturists licensed under chapter 18.30 RCW.
22 (b) The boards and commissions having authority under this chapter
23 are as follows:
24 (i) The podiatric medical board as established in chapter 18.22
25 RCW;
26 (ii) The chiropractic quality assurance commission as established
27 in chapter 18.25 RCW;
28 (iii) The dental quality assurance commission as established in
29 chapter 18.32 RCW;
30 (iv) The board on fitting and dispensing of hearing aids as
31 established in chapter 18.35 RCW;
32 (v) The board of examiners for nursing home administrators as
33 established in chapter 18.52 RCW;
34 (vi) The optometry board as established in chapter 18.54 RCW
35 governing licenses issued under chapter 18.53 RCW;
36 (vii) The board of osteopathic medicine and surgery as established
37 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
38 18.57A RCW;

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

3 (ix) The medical quality assurance commission as established in
4 chapter 18.71 RCW governing licenses and registrations issued under
5 chapters 18.71 and 18.71A RCW;

6 (x) The board of physical therapy as established in chapter 18.74
7 RCW;

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

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

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

14 (xiv) The veterinary board of governors as established in chapter
15 18.92 RCW.

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

24 (4) All disciplining authorities shall adopt procedures to ensure
25 substantially consistent application of this chapter, the uniform
26 disciplinary act, among the disciplining authorities listed in
27 subsection (2) of this section.

28 NEW SECTION. **Sec. 6.** A new section is added to chapter 18.48 RCW
29 to read as follows:

30 A multiple facility operator must successfully demonstrate to the
31 department financial solvency and management experience for the homes
32 under its ownership and the ability to meet other relevant safety,
33 health, and operating standards pertaining to the operation of multiple
34 homes, including ways to mitigate the potential impact of vehicular
35 traffic related to the operation of the homes.

36 NEW SECTION. **Sec. 7.** This act shall take effect July 1, 1996.

Passed the House March 4, 1996.
Passed the Senate February 29, 1996.
Approved by the Governor March 15, 1996.
Filed in Office of Secretary of State March 15, 1996.