
SUBSTITUTE SENATE BILL 6398

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Costa and Winsley; by request of Governor Locke)

Read first time 02/02/2000.

1 AN ACT Relating to boarding homes; amending RCW 18.20.020,
2 18.20.040, 18.20.050, 18.20.110, 18.20.120, 18.20.130, and 18.20.190;
3 amending 1998 c 272 s 24 (uncodified); creating a new section;
4 repealing RCW 18.20.060 and 18.20.100; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature that the
7 department of social and health services have the exclusive authority
8 to regulate and license boarding homes, except as specified in RCW
9 18.20.130.

10 **Sec. 2.** RCW 18.20.020 and 1998 c 272 s 14 are each amended to read
11 as follows:

12 As used in this chapter:

13 (1) "Aged person" means a person of the age sixty-five years or
14 more, or a person of less than sixty-five years who by reason of
15 infirmity requires domiciliary care.

16 (2) "Boarding home" means any home or other institution, however
17 named, which is advertised, announced, or maintained for the express or
18 implied purpose of providing board and domiciliary care to ((three))

1 seven or more aged persons not related by blood or marriage to the
2 operator. ~~((It))~~ However, a boarding home that is licensed to provide
3 board and domiciliary care to three to six persons on the effective
4 date of this act may maintain its boarding home license as long as it
5 is continually licensed as a boarding home. "Boarding home" shall not
6 include facilities certified as group training homes pursuant to RCW
7 71A.22.040, nor any home, institution or section thereof which is
8 otherwise licensed and regulated under the provisions of state law
9 providing specifically for the licensing and regulation of such home,
10 institution or section thereof. Nor shall it include any independent
11 senior housing, independent living units in continuing care retirement
12 communities, or other similar living situations including those
13 subsidized by the department of housing and urban development.

14 (3) "Person" means any individual, firm, partnership, corporation,
15 company, association, or joint stock association, and the legal
16 successor thereof.

17 (4) "Secretary" means the secretary of social and health services.

18 (5) "Department" means the state department of social and health
19 services.

20 ~~((6) "Authorized department" means any city, county, city-county~~
21 ~~health department or health district authorized by the secretary to~~
22 ~~carry out the provisions of this chapter.))~~

23 **Sec. 3.** RCW 18.20.040 and 1957 c 253 s 4 are each amended to read
24 as follows:

25 An application for a license shall be made to the department ~~((or~~
26 ~~authorized department))~~ upon forms provided by ~~((either of said~~
27 ~~departments))~~ the department and shall contain such information as the
28 department reasonably requires, which shall include affirmative
29 evidence of ability to comply with such rules ~~((and regulations))~~ as
30 are lawfully ~~((promulgated))~~ adopted by the ~~((board))~~ department.

31 **Sec. 4.** RCW 18.20.050 and 1987 c 75 s 3 are each amended to read
32 as follows:

33 Upon receipt of an application for license, if the applicant and
34 the boarding home facilities meet the requirements established under
35 this chapter, the department ~~((or the department and the authorized~~
36 ~~health department jointly,))~~ shall issue a license. If there is a
37 failure to comply with the provisions of this chapter or the

1 standards(~~(7)~~) and rules(~~(7, and regulations promulgated)~~) adopted
2 pursuant thereto, the department(~~(7, or the department and authorized~~
3 ~~health department,7)~~) may in its discretion issue to an applicant for a
4 license, or for the renewal of a license, a provisional license which
5 will permit the operation of the boarding home for a period to be
6 determined by the department, (~~or the department and authorized health~~
7 ~~department,7)~~) but not to exceed twelve months, which provisional
8 license shall not be subject to renewal. At the time of the
9 application for or renewal of a license or provisional license the
10 licensee shall pay a license fee as established by the department under
11 RCW 43.20B.110. (~~When the license or provisional license is issued~~
12 ~~jointly by the department and authorized health department, the license~~
13 ~~fee shall be paid to the authorized health department.~~) All licenses
14 issued under the provisions of this chapter shall expire on a date to
15 be set by the department, but no license issued pursuant to this
16 chapter shall exceed twelve months in duration(~~(: PROVIDED, That)~~).
17 However, when the annual license renewal date of a previously licensed
18 boarding home is set by the department on a date less than twelve
19 months prior to the expiration date of a license in effect at the time
20 of reissuance, the license fee shall be prorated on a monthly basis and
21 a credit be allowed at the first renewal of a license for any period of
22 one month or more covered by the previous license. All applications
23 for renewal of a license shall be made not later than thirty days prior
24 to the date of expiration of the license. Each license shall be issued
25 only for the premises and persons named in the application, and no
26 license shall be transferable or assignable. Licenses shall be posted
27 in a conspicuous place on the licensed premises.

28 **Sec. 5.** RCW 18.20.110 and 1985 c 213 s 7 are each amended to read
29 as follows:

30 The department (~~or authorized health department~~) shall make or
31 cause to be made at least a yearly inspection and investigation of all
32 boarding homes. Every inspection shall focus primarily on actual or
33 potential resident outcomes, and may include an inspection of every
34 part of the premises and an examination of all records (other than
35 financial records), methods of administration, the general and special
36 dietary, and the stores and methods of supply. Following such an
37 inspection or inspections, written notice of any violation of this law
38 or the rules (~~and regulations promulgated~~) adopted hereunder(~~(7)~~)

1 shall be given to the applicant or licensee and the department. The
2 department may prescribe by (~~regulations~~) rule that any licensee or
3 applicant desiring to make specified types of alterations or additions
4 to its facilities or to construct new facilities shall, before
5 commencing such alteration, addition, or new construction, submit plans
6 and specifications therefor to the department (~~or to the authorized~~
7 ~~department~~) of health for preliminary inspection and approval or
8 recommendations with respect to compliance with the (~~regulations~~)
9 rules and standards herein authorized.

10 **Sec. 6.** RCW 18.20.120 and 1994 c 214 s 25 are each amended to read
11 as follows:

12 All information received by the department (~~or authorized health~~
13 ~~department~~) through filed reports, inspections, or as otherwise
14 authorized under this chapter(~~(7)~~) shall not be disclosed publicly in
15 any manner as to identify individuals or boarding homes, except at the
16 specific request of a member of the public and disclosure is consistent
17 with RCW 42.17.260(1).

18 **Sec. 7.** RCW 18.20.130 and 1995 c 369 s 4 are each amended to read
19 as follows:

20 Standards for fire protection and the enforcement thereof, with
21 respect to all boarding homes to be licensed hereunder, shall be the
22 responsibility of the chief of the Washington state patrol, through the
23 director of fire protection, who shall adopt such recognized standards
24 as may be applicable to boarding homes for the protection of life
25 against the cause and spread of fire and fire hazards. The department,
26 upon receipt of an application for a license, shall submit to the chief
27 of the Washington state patrol, through the director of fire
28 protection, in writing, a request for an inspection, giving the
29 applicant's name and the location of the premises to be licensed. Upon
30 receipt of such a request, the chief of the Washington state patrol,
31 through the director of fire protection, or his or her deputy, shall
32 make an inspection of the boarding home to be licensed, and if it is
33 found that the premises do not comply with the required safety
34 standards and fire (~~regulations~~) rules as (~~promulgated~~) adopted by
35 the chief of the Washington state patrol, through the director of fire
36 protection, he or she shall promptly make a written report to the
37 boarding home and the department (~~or authorized department~~) as to the

1 manner and time allowed in which the premises must qualify for a
2 license and set forth the conditions to be remedied with respect to
3 fire (~~(regulations)~~) rules. The department, (~~(authorized department,~~)
4 applicant, or licensee shall notify the chief of the Washington state
5 patrol, through the director of fire protection, upon completion of any
6 requirements made by him or her, and the chief of the Washington state
7 patrol, through the director of fire protection, or his or her deputy,
8 shall make a reinspection of such premises. Whenever the boarding home
9 to be licensed meets with the approval of the chief of the Washington
10 state patrol, through the director of fire protection, he or she shall
11 submit to the department (~~(or authorized department,~~) a written report
12 approving same with respect to fire protection before a full license
13 can be issued. The chief of the Washington state patrol, through the
14 director of fire protection, shall make or cause to be made inspections
15 of such homes at least annually.

16 In cities which have in force a comprehensive building code, the
17 provisions of which are determined by the chief of the Washington state
18 patrol, through the director of fire protection, to be equal to the
19 minimum standards of the code for boarding homes adopted by the chief
20 of the Washington state patrol, through the director of fire
21 protection, the chief of the fire department, provided the latter is a
22 paid chief of a paid fire department, shall make the inspection with
23 the chief of the Washington state patrol, through the director of fire
24 protection, or his or her deputy, and they shall jointly approve the
25 premises before a full license can be issued.

26 **Sec. 8.** RCW 18.20.190 and 1998 c 272 s 15 are each amended to read
27 as follows:

28 (1) The department of social and health services is authorized to
29 take one or more of the actions listed in subsection (2) of this
30 section in any case in which the department finds that a boarding home
31 provider has:

32 (a) Failed or refused to comply with the requirements of this
33 chapter or the rules adopted under this chapter;

34 (b) Operated a boarding home without a license or under a revoked
35 license;

36 (c) Knowingly, or with reason to know, made a false statement of
37 material fact on his or her application for license or any data

1 attached thereto, or in any matter under investigation by the
2 department; or

3 (d) Willfully prevented or interfered with any inspection or
4 investigation by the department.

5 (2) When authorized by subsection (1) of this section, the
6 department may take one or more of the following actions:

7 (a) Refuse to issue a license;

8 (b) Impose reasonable conditions on a license, such as correction
9 within a specified time, training, and limits on the type of clients
10 the provider may admit or serve;

11 (c) Impose civil penalties of not more than one hundred dollars per
12 day per violation;

13 (d) Suspend, revoke, or refuse to renew a license; or

14 (e) Suspend admissions to the boarding home by imposing stop
15 placement.

16 (3) When the department orders stop placement, the facility shall
17 not admit any new resident until the stop placement order is
18 terminated. The department may approve readmission of a resident to
19 the facility from a hospital or nursing home during the stop placement.
20 The department shall terminate the stop placement when: (a) The
21 violations necessitating the stop placement have been corrected; and
22 (b) the provider exhibits the capacity to maintain adequate care and
23 service.

24 (4) RCW 43.20A.205 governs notice of a license denial, revocation,
25 suspension, or modification. Chapter 34.05 RCW applies to department
26 actions under this section, except that orders of the department
27 imposing license suspension, stop placement, or conditions for
28 continuation of a license are effective immediately upon notice and
29 shall continue pending any hearing.

30 **Sec. 9.** 1998 c 272 s 24 (uncodified) is amended to read as
31 follows:

32 (1) Section((s)) 13 ((~~through 16~~)) of this act expires July 1,
33 2000(~~(, unless reauthorized by the legislature)~~).

34 (2) Section 17 of this act expires December 12, 1999.

35 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
36 each repealed:

1 (1) RCW 18.20.060 (Actions against license) and 1991 c 3 s 35, 1989
2 c 175 s 60, 1985 c 213 s 5, & 1957 c 253 s 6; and
3 (2) RCW 18.20.100 (Enforcement by local authorities--Authorization)
4 and 1979 c 141 s 26 & 1957 c 253 s 10.

5 NEW SECTION. **Sec. 11.** This act takes effect July 1, 2000.

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