

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2380

Chapter 47, Laws of 2000

56th Legislature
2000 Regular Session

BOARDING HOMES--ADMINISTRATION--ADVISORY BOARD

EFFECTIVE DATE: 7/1/00

Passed by the House March 8, 2000
Yeas 98 Nays 0

CLYDE BALLARD
Speaker of the House of Representatives

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 7, 2000
Yeas 46 Nays 0

BRAD OWEN
President of the Senate

Approved March 22, 2000

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2380** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 22, 2000 - 3:42 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2380

AS AMENDED BY THE SENATE

Passed Legislature - 2000 Regular Session

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Cody, Parlette and Edwards; by request of Governor Locke)

Read first time 02/02/2000. Referred to Committee on .

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); adding a new section to chapter
4 18.20 RCW; repealing RCW 18.20.060 and 18.20.100; and providing an
5 effective date.

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

7 **Sec. 1.** RCW 18.20.020 and 1998 c 272 s 14 are each amended to read
8 as follows:

9 As used in this chapter:

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

13 (2) "Boarding home" means any home or other institution, however
14 named, which is advertised, announced, or maintained for the express or
15 implied purpose of providing board and domiciliary care to ~~((three))~~
16 seven or more aged persons not related by blood or marriage to the
17 operator. ~~((It))~~ However, a boarding home that is licensed to provide
18 board and domiciliary care to three to six persons on the effective
19 date of this act may maintain its boarding home license as long as it

1 is continually licensed as a boarding home. "Boarding home" shall not
2 include facilities certified as group training homes pursuant to RCW
3 71A.22.040, nor any home, institution or section thereof which is
4 otherwise licensed and regulated under the provisions of state law
5 providing specifically for the licensing and regulation of such home,
6 institution or section thereof. Nor shall it include any independent
7 senior housing, independent living units in continuing care retirement
8 communities, or other similar living situations including those
9 subsidized by the department of housing and urban development.

10 (3) "Person" means any individual, firm, partnership, corporation,
11 company, association, or joint stock association, and the legal
12 successor thereof.

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

14 (5) "Department" means the state department of social and health
15 services.

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

19 **Sec. 2.** RCW 18.20.040 and 1957 c 253 s 4 are each amended to read
20 as follows:

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

27 **Sec. 3.** RCW 18.20.050 and 1987 c 75 s 3 are each amended to read
28 as follows:

29 Upon receipt of an application for license, if the applicant and
30 the boarding home facilities meet the requirements established under
31 this chapter, the department (~~(or the department and the authorized
32 health department jointly,~~) shall issue a license. If there is a
33 failure to comply with the provisions of this chapter or the
34 standards(~~(,)~~) and rules(~~(, and regulations promulgated)~~) adopted
35 pursuant thereto, the department(~~(, or the department and authorized
36 health department,~~) may in its discretion issue to an applicant for a
37 license, or for the renewal of a license, a provisional license which

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

24 **Sec. 4.** RCW 18.20.110 and 1985 c 213 s 7 are each amended to read
25 as follows:

26 The department (~~or authorized health department~~) shall make or
27 cause to be made at least a yearly inspection and investigation of all
28 boarding homes. Every inspection shall focus primarily on actual or
29 potential resident outcomes, and may include an inspection of every
30 part of the premises and an examination of all records (other than
31 financial records), methods of administration, the general and special
32 dietary, and the stores and methods of supply. Following such an
33 inspection or inspections, written notice of any violation of this law
34 or the rules (~~and regulations promulgated~~) adopted hereunder(~~(7)~~)
35 shall be given to the applicant or licensee and the department. The
36 department may prescribe by (~~regulations~~) rule that any licensee or
37 applicant desiring to make specified types of alterations or additions
38 to its facilities or to construct new facilities shall, before

1 commencing such alteration, addition, or new construction, submit plans
2 and specifications therefor to the (~~department or to the authorized~~
3 ~~department~~) agencies responsible for plan reviews for preliminary
4 inspection and approval or recommendations with respect to compliance
5 with the (~~regulations~~) rules and standards herein authorized.

6 **Sec. 5.** RCW 18.20.120 and 1994 c 214 s 25 are each amended to read
7 as follows:

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

14 **Sec. 6.** RCW 18.20.130 and 1995 c 369 s 4 are each amended to read
15 as follows:

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

1 patrol, through the director of fire protection, upon completion of any
2 requirements made by him or her, and the chief of the Washington state
3 patrol, through the director of fire protection, or his or her deputy,
4 shall make a reinspection of such premises. Whenever the boarding home
5 to be licensed meets with the approval of the chief of the Washington
6 state patrol, through the director of fire protection, he or she shall
7 submit to the department (~~(or authorized department,)~~) a written report
8 approving same with respect to fire protection before a full license
9 can be issued. The chief of the Washington state patrol, through the
10 director of fire protection, shall make or cause to be made inspections
11 of such homes at least annually.

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

22 **Sec. 7.** RCW 18.20.190 and 1998 c 272 s 15 are each amended to read
23 as follows:

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

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

30 (b) Operated a boarding home without a license or under a revoked
31 license;

32 (c) Knowingly, or with reason to know, made a false statement of
33 material fact on his or her application for license or any data
34 attached thereto, or in any matter under investigation by the
35 department; or

36 (d) Willfully prevented or interfered with any inspection or
37 investigation by the department.

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

3 (a) Refuse to issue a license;

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

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

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

10 (e) Suspend admissions to the boarding home by imposing stop
11 placement.

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

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

26 NEW SECTION. Sec. 8. A new section is added to chapter 18.20 RCW
27 to read as follows:

28 (1) In an effort to ensure a cooperative process among the
29 department, boarding home provider representatives, and resident and
30 family representatives on matters pertaining to the boarding home
31 program, the secretary, or his or her designee, shall designate an
32 advisory board. The advisory board must include representatives of the
33 state-wide boarding home associations, the state long-term care
34 ombudsman program, the state-wide resident council program, consumers,
35 and family representatives. Depending on the topic to be discussed,
36 the department may invite other representatives in addition to the
37 named members of the advisory board. The secretary, or his or her
38 designee, shall periodically, but not less than quarterly, convene a

1 meeting of the advisory board to encourage open dialogue on matters
2 affecting the boarding home program. It is, minimally, expected that
3 the department will discuss with the advisory board the department's
4 inspection, enforcement, and quality improvement activities, in
5 addition to seeking their comments and recommendations on matters
6 described under subsection (2) of this section.

7 (2) The secretary, or his or her designee, shall seek comments and
8 recommendations from the advisory board prior to the adoption of rules
9 and standards, implementation of boarding home provider programs, or
10 development of methods and rates of payment.

11 (3) For the purpose of implementing this section, "department"
12 means either the department of health or the department of social and
13 health services, depending on which department has the licensing
14 authority under this chapter.

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

17 (1) Section(~~s~~) 13 (~~(through 16)~~) of this act expires July 1,
18 2000(~~(, unless reauthorized by the legislature)~~).

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

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

22 (1) RCW 18.20.060 (Actions against license) and 1991 c 3 s 35, 1989
23 c 175 s 60, 1985 c 213 s 5, & 1957 c 253 s 6; and

24 (2) RCW 18.20.100 (Enforcement by local authorities--Authorization)
25 and 1979 c 141 s 26 & 1957 c 253 s 10.

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

Passed the House March 8, 2000.

Passed the Senate March 7, 2000.

Approved by the Governor March 22, 2000.

Filed in Office of Secretary of State March 22, 2000.