

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2444

Chapter 223, Laws of 2002

57th Legislature
2002 Regular Session

ADULT FAMILY HOME PROVIDERS AND RESIDENT MANAGERS

EFFECTIVE DATE: 6/13/02 - Except section 1, which becomes effective 3/28/02.

Passed by the House March 13, 2002
Yeas 97 Nays 0

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 13, 2002
Yeas 47 Nays 0

BRAD OWEN
President of the Senate

Approved March 28, 2002

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2444** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

Chief Clerk

FILED

March 28, 2002 - 8:56 a.m.

**Secretary of State
State of Washington**

HOUSE BILL 2444

AS AMENDED BY THE SENATE

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2002 Regular Session

By Representatives Darneille, Campbell, Jarrett, Gombosky, Lovick,
Ruderman, Pflug, Haigh and Kenney

Read first time 01/17/2002. Referred to Committee on Health Care.

1 AN ACT Relating to regulation of adult family home providers and
2 resident managers; amending RCW 70.128.120, 70.128.220, and 18.130.040;
3 adding a new section to chapter 70.128 RCW; creating a new section;
4 repealing RCW 18.48.010, 18.48.020, 18.48.030, 18.48.050, and
5 18.48.060; and declaring an emergency.

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

7 **Sec. 1.** RCW 70.128.120 and 2001 c 319 s 8 are each amended to read
8 as follows:

9 Each adult family home provider and each resident manager shall
10 have the following minimum qualifications:

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

12 (2) For those applying after September 1, 2001, to be licensed as
13 providers, and for resident managers whose employment begins after
14 September 1, 2001, a United States high school diploma or general
15 educational development (GED) certificate or any English or translated
16 government documentation of the following:

17 (a) Successful completion of government-approved public or private
18 school education in a foreign country that includes an annual average

1 of one thousand hours of instruction over twelve years or no less than
2 twelve thousand hours of instruction;

3 (b) A foreign college, foreign university, or United States
4 community college two-year diploma;

5 (c) Admission to, or completion of coursework at, a foreign
6 university or college for which credit was granted;

7 (d) Admission to, or completion of coursework at, a United States
8 college or university for which credits were awarded;

9 (e) Admission to, or completion of postgraduate coursework at, a
10 United States college or university for which credits were awarded; or

11 (f) Successful passage of the United States board examination for
12 registered nursing, or any professional medical occupation for which
13 college or university education preparation was required;

14 (3) Good moral and responsible character and reputation;

15 (4) Literacy in the English language, however, a person not
16 literate in the English language may meet the requirements of this
17 subsection by assuring that there is a person on staff and available
18 who is able to communicate or make provisions for communicating with
19 the resident in his or her primary language and capable of
20 understanding and speaking English well enough to be able to respond
21 appropriately to emergency situations and be able to read and
22 understand resident care plans;

23 (5) Management and administrative ability to carry out the
24 requirements of this chapter;

25 (6) Satisfactory completion of department-approved basic training
26 and continuing education training as specified by the department in
27 rule, based on recommendations of the community long-term care training
28 and education steering committee and working in collaboration with
29 providers, consumers, caregivers, advocates, family members, educators,
30 and other interested parties in the rule-making process;

31 (7) Satisfactory completion of department-approved, or equivalent,
32 special care training before a provider may provide special care
33 services to a resident;

34 (8) Not been convicted of any crime listed in RCW 43.43.830 and
35 43.43.842; and

36 ~~(9) ((Registered with the department of health; and~~

37 ~~(10)))~~ For those applying after September 1, 2001, to be licensed
38 as providers, and for resident managers whose employment begins after
39 September 1, 2001, at least three hundred twenty hours of successful,

1 direct caregiving experience obtained after age eighteen to vulnerable
2 adults in a licensed or contracted setting prior to operating or
3 managing an adult family home.

4 NEW SECTION. **Sec. 2.** The following acts or parts of acts are each
5 repealed:

6 (1) RCW 18.48.010 (Definitions) and 1996 c 81 s 2 & 1995 c 260 s 7;

7 (2) RCW 18.48.020 (Registration) and 2000 c 93 s 5, 1996 c 81 s 4,
8 & 1995 c 260 s 8;

9 (3) RCW 18.48.030 (Application of uniform disciplinary act) and
10 1995 c 260 s 9;

11 (4) RCW 18.48.050 (Elder care--Professionalization of providers)
12 and 1998 c 272 s 7; and

13 (5) RCW 18.48.060 (Advisory committee--Composition--Vacancies--
14 Meetings--Travel expenses--Civil immunity) and 2000 c 171 s 18 & 1998
15 c 272 s 8.

16 **Sec. 3.** RCW 70.128.220 and 1998 c 272 s 9 are each amended to read
17 as follows:

18 Adult family homes have developed rapidly in response to the health
19 and social needs of the aging population in community settings,
20 especially as the aging population has increased in proportion to the
21 general population. The growing demand for elder care with a new focus
22 on issues affecting senior citizens, including persons with
23 developmental disabilities, mental illness, or dementia, has prompted
24 a growing professionalization of adult family home providers to address
25 quality care and quality of life issues consistent with standards of
26 accountability and regulatory safeguards for the health and safety of
27 the residents. The establishment of an advisory committee to the
28 (~~department of health and the~~) department of social and health
29 services under (~~RCW 18.48.060~~) section 4 of this act formalizes a
30 stable process for discussing and considering these issues among
31 residents and their advocates, regulatory officials, and adult family
32 home providers. The dialogue among all stakeholders interested in
33 maintaining a healthy option for the aging population in community
34 settings assures the highest regard for the well-being of these
35 residents within a benign and functional regulatory environment. The
36 secretary shall be advised by an advisory committee on adult family
37 homes established under (~~RCW 18.48.060~~) section 4 of this act.

1 (~~Establishment of the advisory committee shall not prohibit the~~
2 ~~department of social and health services from utilizing other advisory~~
3 ~~activities that the department of social and health services deems~~
4 ~~necessary for program development.~~)

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.128 RCW
6 to read as follows:

7 (1) In an effort to ensure a cooperative process among the
8 department, adult family home provider representatives, and resident
9 and family representatives on matters pertaining to the adult family
10 home program, the secretary, or his or her designee, shall designate an
11 advisory committee. The advisory committee must include:
12 Representatives from the industry including four adult family home
13 providers, at least two of whom are affiliated with recognized adult
14 family home associations; one representative from the state long-term
15 care ombudsman program; one representative from the statewide resident
16 council program; and two representatives of families and other
17 consumers. The secretary shall appoint a chairperson for the committee
18 from the committee membership for a term of one year. In appointing
19 the chairperson, the secretary shall consult with members of the
20 committee. Depending on the topic to be discussed, the department may
21 invite other representatives in addition to the named members of the
22 advisory committee. The secretary, or his or her designee, shall
23 periodically, but not less than quarterly, convene a meeting of the
24 advisory committee to encourage open dialogue on matters affecting the
25 adult family home program. It is, minimally, expected that the
26 department will discuss with the advisory committee the department's
27 inspection, enforcement, and quality improvement activities, in
28 addition to seeking their comments and recommendations on matters
29 described under subsection (2) of this section.

30 (2) The secretary, or his or her designee, shall seek comments and
31 recommendations from the advisory committee prior to the adoption of
32 rules and standards, implementation of adult family home provider
33 programs, or development of methods and rates of payment.

34 (3) Establishment of the advisory committee shall not prohibit the
35 department of social and health services from utilizing other advisory
36 activities that the department of social and health services deems
37 necessary for program development.

1 (4) Members of the advisory committee shall be reimbursed for
2 travel expenses as provided in RCW 43.03.050 and 43.03.060 from license
3 fees collected under chapter 70.128 RCW.

4 NEW SECTION. **Sec. 5.** The department of health shall return the
5 funds collected by the department in connection with the power,
6 functions, and duties repealed under section 2 of this act, less actual
7 program costs, to credentialed adult family home providers and resident
8 managers registered under chapter 18.48 RCW. The department of health
9 shall determine the formula for distribution of these funds based upon
10 payment of registration fees during the previous two renewal periods.

11 **Sec. 6.** RCW 18.130.040 and 2001 c 251 s 27 are each amended to
12 read as follows:

13 (1) This chapter applies only to the secretary and the boards and
14 commissions having jurisdiction in relation to the professions licensed
15 under the chapters specified in this section. This chapter does not
16 apply to any business or profession not licensed under the chapters
17 specified in this section.

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

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

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

22 (iii) Midwives licensed under chapter 18.50 RCW;

23 (iv) Ocularists licensed under chapter 18.55 RCW;

24 (v) Massage operators and businesses licensed under chapter 18.108
25 RCW;

26 (vi) Dental hygienists licensed under chapter 18.29 RCW;

27 (vii) Acupuncturists licensed under chapter 18.06 RCW;

28 (viii) Radiologic technologists certified and X-ray technicians
29 registered under chapter 18.84 RCW;

30 (ix) Respiratory care practitioners licensed under chapter 18.89
31 RCW;

32 (x) Persons registered under chapter 18.19 RCW;

33 (xi) Persons licensed as mental health counselors, marriage and
34 family therapists, and social workers under chapter 18.225 RCW;

35 (xii) Persons registered as nursing pool operators under chapter
36 18.52C RCW;

1 (xiii) Nursing assistants registered or certified under chapter
2 18.88A RCW;

3 (xiv) Health care assistants certified under chapter 18.135 RCW;

4 (xv) Dietitians and nutritionists certified under chapter 18.138
5 RCW;

6 (xvi) Chemical dependency professionals certified under chapter
7 18.205 RCW;

8 (xvii) Sex offender treatment providers certified under chapter
9 18.155 RCW;

10 (xviii) Persons licensed and certified under chapter 18.73 RCW or
11 RCW 18.71.205;

12 (xix) (~~(Persons registered as adult family home providers and
13 resident managers under RCW 18.48.020;~~

14 ~~(xx))~~) Denturists licensed under chapter 18.30 RCW;

15 (~~((xxi))~~) (xx) Orthotists and prosthetists licensed under chapter
16 18.200 RCW; and

17 (~~((xxii))~~) (xxi) Surgical technologists registered under chapter
18 18.215 RCW.

19 (b) The boards and commissions having authority under this chapter
20 are as follows:

21 (i) The podiatric medical board as established in chapter 18.22
22 RCW;

23 (ii) The chiropractic quality assurance commission as established
24 in chapter 18.25 RCW;

25 (iii) The dental quality assurance commission as established in
26 chapter 18.32 RCW;

27 (iv) The board of hearing and speech as established in chapter
28 18.35 RCW;

29 (v) The board of examiners for nursing home administrators as
30 established in chapter 18.52 RCW;

31 (vi) The optometry board as established in chapter 18.54 RCW
32 governing licenses issued under chapter 18.53 RCW;

33 (vii) The board of osteopathic medicine and surgery as established
34 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
35 18.57A RCW;

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

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

4 (x) The board of physical therapy as established in chapter 18.74
5 RCW;

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

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

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

12 (xiv) The veterinary board of governors as established in chapter
13 18.92 RCW.

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

22 (4) All disciplining authorities shall adopt procedures to ensure
23 substantially consistent application of this chapter, the Uniform
24 Disciplinary Act, among the disciplining authorities listed in
25 subsection (2) of this section.

26 NEW SECTION. **Sec. 7.** Section 1 of this act is necessary for the
27 immediate preservation of the public peace, health, or safety, or
28 support of the state government and its existing public institutions,
29 and takes effect immediately.

Passed the House March 13, 2002.

Passed the Senate March 13, 2002.

Approved by the Governor March 28, 2002.

Filed in Office of Secretary of State March 28, 2002.