

SSB 6225 - H COMM AMD
By Committee on Health Care

ADOPTED AS AMENDED 03/03/04

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 18.20.020 and 2003 c 231 s 2 are each amended to read
4 as follows:

5 As used in this chapter:

6 (1) "Boarding home" means any home or other institution, however
7 named, which is advertised, announced, or maintained for the express or
8 implied purpose of providing (~~board and~~) housing, basic services, and
9 assuming general responsibility for the safety and well-being of the
10 residents, and may also provide domiciliary care, consistent with this
11 act, to seven or more residents after July 1, 2000. However, a
12 boarding home that is licensed (~~to provide board and domiciliary care~~
13 ~~to~~) for three to six residents prior to or on July 1, 2000, may
14 maintain its boarding home license as long as it is continually
15 licensed as a boarding home. "Boarding home" shall not include
16 facilities certified as group training homes pursuant to RCW
17 71A.22.040, nor any home, institution or section thereof which is
18 otherwise licensed and regulated under the provisions of state law
19 providing specifically for the licensing and regulation of such home,
20 institution or section thereof. Nor shall it include any independent
21 senior housing, independent living units in continuing care retirement
22 communities, or other similar living situations including those
23 subsidized by the department of housing and urban development.

24 (2) "Basic services" means housekeeping services, meals, nutritious
25 snacks, laundry, and activities.

26 (3) "Person" means any individual, firm, partnership, corporation,
27 company, association, or joint stock association, and the legal
28 successor thereof.

29 (~~(+3)~~) (4) "Secretary" means the secretary of social and health
30 services.

1 ~~((4))~~ (5) "Department" means the state department of social and
2 health services.

3 ~~((5))~~ (6) "Resident's representative" means a person designated
4 voluntarily by a competent resident, in writing, to act in the
5 resident's behalf concerning the care and services provided by the
6 boarding home and to receive information from the boarding home, if
7 there is no legal representative. The resident's competence shall be
8 determined using the criteria in RCW 11.88.010(1)(e). The resident's
9 representative may not be affiliated with the licensee, boarding home,
10 or management company, unless the affiliated person is a family member
11 of the resident. The resident's representative shall not have
12 authority to act on behalf of the resident once the resident is no
13 longer competent.

14 (7) "Domiciliary care" means: Assistance with activities of daily
15 living provided by the boarding home either directly or indirectly; or
16 ~~((assuming general responsibility for the safety and well-being of the~~
17 ~~resident)) health support services, if provided directly or indirectly~~
18 ~~by the boarding home; or intermittent nursing services, if provided~~
19 ~~directly or indirectly by the boarding home. ("Domiciliary care" does~~
20 ~~not include general observation or preadmission assessment for the~~
21 ~~purposes of transitioning to a licensed care setting.~~

22 ~~(6))~~ (8) "General responsibility for the safety and well-being of
23 the resident" means the provision of the following: Prescribed general
24 low sodium diets; prescribed general diabetic diets; prescribed
25 mechanical soft foods; emergency assistance; monitoring of the
26 resident; arranging health care appointments with outside health care
27 providers and reminding residents of such appointments as necessary;
28 coordinating health care services with outside health care providers
29 consistent with section 10 of this act; assisting the resident to
30 obtain and maintain glasses, hearing aids, dentures, canes, crutches,
31 walkers, wheelchairs, and assistive communication devices; observation
32 of the resident for changes in overall functioning; blood pressure
33 checks as scheduled; responding appropriately when there are observable
34 or reported changes in the resident's physical, mental, or emotional
35 functioning; or medication assistance as permitted under RCW 69.41.085
36 and as defined in RCW 69.41.010.

37 ~~("General responsibility for the safety and well-being of the~~
38 ~~resident" does not include: (a) Emergency assistance provided on an~~
39 ~~intermittent or nonroutine basis to any nonresident individual; or (b)~~

1 ~~services customarily provided under landlord tenant agreements governed~~
2 ~~by the residential landlord tenant act, chapter 59.18 RCW. Such~~
3 ~~services do not include care or supervision.~~

4 ~~(7))~~ (9) "Legal representative" means a person or persons
5 identified in RCW 7.70.065 who may act on behalf of the resident
6 pursuant to the scope of their legal authority. The legal
7 representative shall not be affiliated with the licensee, boarding
8 home, or management company, unless the affiliated person is a family
9 member of the resident.

10 (10) "Nonresident individual" means a person who resides in
11 independent senior housing, independent living units in continuing care
12 retirement communities, or in other similar living environments or in
13 a boarding home and may receive one or more of the services listed in
14 RCW 18.20.030(5), but may not receive domiciliary care, as defined in
15 this chapter, directly or indirectly by the facility and may not
16 receive the items and services listed in subsection (8) of this
17 section.

18 (11) "Resident" means an individual who~~((: Lives in a boarding~~
19 ~~home, including those receiving respite care;))~~ is not related by blood
20 or marriage to the operator of the boarding home~~((:))~~, and by reason of
21 age or disability, ((receives)) chooses to reside in the boarding home
22 and receives basic services and one or more of the services listed
23 under general responsibility for the safety and well-being of the
24 resident and may receive domiciliary care or respite care provided
25 ~~((either))~~ directly or indirectly by the boarding home and shall be
26 permitted to receive hospice care through an outside service provider
27 when arranged by the resident or the resident's legal representative
28 under section 10 of this act.

29 (12) "Resident applicant" means an individual who is seeking
30 admission to a licensed boarding home and who has completed and signed
31 an application for admission, or such application for admission has
32 been completed and signed in their behalf by their legal representative
33 if any, and if not, then the designated representative if any.

34 NEW SECTION. Sec. 2. A new section is added to chapter 18.20 RCW
35 to read as follows:

36 (1) A boarding home, licensed under this chapter, may provide
37 domiciliary care services, as defined in this chapter, and shall
38 disclose the scope of care and services that it chooses to provide.

1 (2) The boarding home licensee shall disclose to the residents, the
2 residents' legal representative if any, and if not, the residents'
3 representative if any, and to interested consumers upon request, the
4 scope of care and services offered, using the form developed and
5 provided by the department, in addition to any supplemental information
6 that may be provided by the licensee. The form that the department
7 develops shall be standardized, reasonable in length, and easy to read.
8 The boarding home's disclosure statement shall indicate the scope of
9 domiciliary care assistance provided and shall indicate that it permits
10 the resident or the resident's legal representative to independently
11 arrange for outside services under section 10 of this act.

12 (3)(a) If the boarding home licensee decreases the scope of
13 services that it provides due to circumstances beyond the licensee's
14 control, the licensee shall provide a minimum of thirty days' written
15 notice to the residents, the residents' legal representative if any,
16 and if not, the residents' representative if any, before the effective
17 date of the decrease in the scope of care or services provided.

18 (b) If the licensee voluntarily decreases the scope of services,
19 and any such decrease in the scope of services provided will result in
20 the discharge of one or more residents, then ninety days' written
21 notice shall be provided prior to the effective date of the decrease.
22 Notice shall be provided to the affected residents, the residents'
23 legal representative if any, and if not, the residents' representative
24 if any.

25 (c) If the boarding home licensee increases the scope of services
26 that it chooses to provide, the licensee shall promptly provide written
27 notice to the residents, the residents' legal representative if any,
28 and if not, the residents' representative if any, and shall indicate
29 the date on which the increase in the scope of care or services is
30 effective.

31 (4) When the care needs of a resident exceed the disclosed scope of
32 care or services that a boarding home licensee provides, the licensee
33 may exceed the care or services disclosed consistent with RCW
34 70.129.030(3) and RCW 70.129.110(3)(a). Providing care or services to
35 a resident that exceed the care and services disclosed may or may not
36 mean that the provider is capable of or required to provide the same
37 care or services to other residents.

38 (5) Even though the boarding home licensee may disclose that it can
39 provide certain care or services to resident applicants or to their

1 legal representative if any, and if not, to the resident applicants'
2 representative if any, the licensee may deny admission to a resident
3 applicant when the licensee determines that the needs of the resident
4 applicant cannot be met, as long as the provider operates in compliance
5 with state and federal law, including RCW 70.129.030(3).

6 (6) The disclosure form is intended to assist consumers in
7 selecting boarding home services and, therefore, shall not be construed
8 as an implied or express contract between the boarding home licensee
9 and the resident.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.20 RCW
11 to read as follows:

12 (1) Boarding homes are not required to provide assistance with one
13 or more activities of daily living.

14 (2) If a boarding home licensee chooses to provide assistance with
15 activities of daily living, the licensee shall provide at least the
16 minimal level of assistance for all activities of daily living
17 consistent with subsection (3) of this section and consistent with the
18 reasonable accommodation requirements in state or federal laws.
19 Activities of daily living are limited to and include the following:

- 20 (a) Bathing;
- 21 (b) Dressing;
- 22 (c) Eating;
- 23 (d) Personal hygiene;
- 24 (e) Transferring;
- 25 (f) Toileting; and
- 26 (g) Ambulation and mobility.

27 (3) The department shall, in rule, define the minimum level of
28 assistance that will be provided for all activities of daily living,
29 however, such rules shall not require more than occasional stand-by
30 assistance or more than occasional physical assistance.

31 (4) The licensee shall clarify, through the disclosure form, the
32 assistance with activities of daily living that may be provided, and
33 any limitations or conditions that may apply. The licensee shall also
34 clarify through the disclosure form any additional services that may be
35 provided.

36 (5) In providing assistance with activities of daily living, the
37 boarding home shall observe the resident for changes in overall

1 functioning and respond appropriately when there are observable or
2 reported changes in the resident's physical, mental, or emotional
3 functioning.

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.20 RCW
5 to read as follows:

6 (1) The boarding home licensee may choose to provide any of the
7 following health support services, however, the facility may or may not
8 need to provide additional health support services to comply with the
9 reasonable accommodation requirements in federal or state law:

- 10 (a) Blood glucose testing;
- 11 (b) Puree diets;
- 12 (c) Calorie controlled diabetic diets;
- 13 (d) Dementia care;
- 14 (e) Mental health care; and
- 15 (f) Developmental disabilities care.

16 (2) The licensee shall clarify on the disclosure form any
17 limitations, additional services, or conditions that may apply.

18 (3) In providing health support services, the boarding home shall
19 observe the resident for changes in overall functioning and respond
20 appropriately when there are observable or reported changes in the
21 resident's physical, mental, or emotional functioning.

22 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.20 RCW
23 to read as follows:

24 (1) Boarding homes are not required to provide intermittent nursing
25 services. The boarding home licensee may choose to provide any of the
26 following intermittent nursing services through appropriately licensed
27 and credentialed staff, however, the facility may or may not need to
28 provide additional intermittent nursing services to comply with the
29 reasonable accommodation requirements in federal or state law:

- 30 (a) Medication administration;
- 31 (b) Administration of health care treatments;
- 32 (c) Diabetic management;
- 33 (d) Nonroutine ostomy care;
- 34 (e) Tube feeding; and
- 35 (f) Nurse delegation consistent with chapter 18.79 RCW.

36 (2) The licensee shall clarify on the disclosure form any

1 limitations, additional services, or conditions that may apply under
2 this section.

3 (3) In providing intermittent nursing services, the boarding home
4 shall observe the resident for changes in overall functioning and
5 respond appropriately when there are observable or reported changes in
6 the resident's physical, mental, or emotional functioning.

7 (4) The boarding home may provide intermittent nursing services to
8 the extent permitted by RCW 18.20.160.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 18.20 RCW
10 to read as follows:

11 (1) A boarding home licensee may permit a resident's family member
12 to administer medications or treatments or to provide medication or
13 treatment assistance to the resident. The licensee shall disclose to
14 the department, residents, the residents' legal representative if any,
15 and if not, the residents' representative if any, and to interested
16 consumers upon request, information describing whether the licensee
17 permits such family administration or assistance and, if so, the extent
18 of limitations or conditions thereof.

19 (2) If a boarding home licensee permits a resident's family member
20 to administer medications or treatments or to provide medication or
21 treatment assistance, the licensee shall request that the family member
22 submit to the licensee a written medication or treatment plan. At a
23 minimum, the written medication or treatment plan shall identify:

24 (a) By name, the family member who will administer the medication
25 or treatment or provide assistance therewith;

26 (b) The medication or treatment administration or assistance that
27 the family member will provide consistent with subsection (1) of this
28 section. This will be referred to as the primary plan;

29 (c) An alternate plan that will meet the resident's medication or
30 treatment needs if the family member is unable to fulfill his or her
31 duties as specified in the primary plan; and

32 (d) An emergency contact person and telephone number if the
33 boarding home licensee observes changes in the resident's overall
34 functioning or condition that may relate to the medication or treatment
35 plan.

36 (3) The boarding home licensee may require that the primary or
37 alternate medication or treatment plan include other information in
38 addition to that specified in subsection (2) of this section.

- 1 (4) The medication or treatment plan shall be signed and dated by:
2 (a) The resident, if able;
3 (b) The resident's legal representative, if any, and, if not, the
4 resident's representative, if any;
5 (c) The resident's family member; and
6 (d) The boarding home licensee.

7 (5) The boarding home may through policy or procedure require the
8 resident's family member to immediately notify the boarding home
9 licensee of any change in the primary or alternate medication or
10 treatment plan.

11 (6) When a boarding home licensee permits residents' family members
12 to assist with or administer medications or treatments, the licensee's
13 duty of care, and any negligence that may be attributed thereto, shall
14 be limited to: Observation of the resident for changes in overall
15 functioning consistent with RCW 18.20.280; notification to the person
16 or persons identified in RCW 70.129.030 when there are observed changes
17 in the resident's overall functioning or condition, or when the
18 boarding home is aware that both the primary and alternate plan are not
19 implemented; and appropriately responding to obtain needed assistance
20 when there are observable or reported changes in the resident's
21 physical or mental functioning.

22 NEW SECTION. **Sec. 7.** A new section is added to chapter 18.20 RCW
23 to read as follows:

24 (1) The boarding home licensee shall conduct a preadmission
25 assessment for each resident applicant. The preadmission assessment
26 shall include the following information, unless unavailable despite the
27 best efforts of the licensee:

- 28 (a) Medical history;
29 (b) Necessary and contraindicated medications;
30 (c) A licensed medical or health professional's diagnosis, unless
31 the individual objects for religious reasons;
32 (d) Significant known behaviors or symptoms that may cause concern
33 or require special care;
34 (e) Mental illness diagnosis, except where protected by
35 confidentiality laws;
36 (f) Level of personal care needs;
37 (g) Activities and service preferences; and

1 (h) Preferences regarding other issues important to the resident
2 applicant, such as food and daily routine.

3 (2) The boarding home licensee shall complete the preadmission
4 assessment before admission unless there is an emergency. If there is
5 an emergency admission, the preadmission assessment shall be completed
6 within five days of the date of admission. For purposes of this
7 section, "emergency" includes, but is not limited to: Evening,
8 weekend, or Friday afternoon admissions if the resident applicant would
9 otherwise need to remain in an unsafe setting or be without adequate
10 and safe housing.

11 (3) The boarding home licensee shall complete an initial resident
12 service plan upon move-in to identify the resident's immediate needs
13 and to provide direction to staff and caregivers relating to the
14 resident's immediate needs. The initial resident service plan shall
15 include as much information as can be obtained, under subsection (1) of
16 this section.

17 NEW SECTION. **Sec. 8.** A new section is added to chapter 18.20 RCW
18 to read as follows:

19 (1) The boarding home licensee shall within fourteen days of the
20 resident's date of move-in, unless extended by the department for good
21 cause, and thereafter at least annually, complete a full reassessment
22 addressing the following:

23 (a) The individual's recent medical history, including, but not
24 limited to: A health professional's diagnosis, unless the resident
25 objects for religious reasons; chronic, current, and potential skin
26 conditions; known allergies to foods or medications; or other
27 considerations for providing care or services;

28 (b) Current necessary and contraindicated medications and
29 treatments for the individual, including:

30 (i) Any prescribed medications and over-the-counter medications
31 that are commonly taken by the individual, and that the individual is
32 able to independently self-administer or safely and accurately direct
33 others to administer to him or her;

34 (ii) Any prescribed medications and over-the-counter medications
35 that are commonly taken by the individual and that the individual is
36 able to self-administer when he or she has the assistance of a
37 resident-care staff person; and

- 1 (iii) Any prescribed medications and over-the-counter medications
2 that are commonly taken by the individual and that the individual is
3 not able to self-administer;
- 4 (c) The individual's nursing needs when the individual requires the
5 services of a nurse on the boarding home premises;
- 6 (d) The individual's sensory abilities, including vision and
7 hearing;
- 8 (e) The individual's communication abilities, including modes of
9 expression, ability to make himself or herself understood, and ability
10 to understand others;
- 11 (f) Significant known behaviors or symptoms of the individual
12 causing concern or requiring special care, including: History of
13 substance abuse; history of harming self, others, or property, or other
14 conditions that may require behavioral intervention strategies; the
15 individual's ability to leave the boarding home unsupervised; and other
16 safety considerations that may pose a danger to the individual or
17 others, such as use of medical devices or the individual's ability to
18 smoke unsupervised, if smoking is permitted in the boarding home;
- 19 (g) The individual's special needs, by evaluating available
20 information, or selecting and using an appropriate tool to determine
21 the presence of symptoms consistent with, and implications for care and
22 services of: Mental illness, or needs for psychological or mental
23 health services, except where protected by confidentiality laws;
24 developmental disability; dementia; or other conditions affecting
25 cognition, such as traumatic brain injury;
- 26 (h) The individual's level of personal care needs, including:
27 Ability to perform activities of daily living; medication management
28 ability, including the individual's ability to obtain and appropriately
29 use over-the-counter medications; and how the individual will obtain
30 prescribed medications for use in the boarding home;
- 31 (i) The individual's activities, typical daily routines, habits,
32 and service preferences;
- 33 (j) The individual's personal identity and lifestyle, to the extent
34 the individual is willing to share the information, and the manner in
35 which they are expressed, including preferences regarding food,
36 community contacts, hobbies, spiritual preferences, or other sources of
37 pleasure and comfort; and
- 38 (k) Who has decision-making authority for the individual,
39 including: The presence of any advance directive, or other legal

1 document that will establish a substitute decision maker in the future;
2 the presence of any legal document that establishes a current
3 substitute decision maker; and the scope of decision-making authority
4 of any substitute decision maker.

5 (2) Complete a limited assessment of a resident's change of
6 condition when the resident's negotiated service agreement no longer
7 addresses the resident's current needs.

8 NEW SECTION. **Sec. 9.** A new section is added to chapter 18.20 RCW
9 to read as follows:

10 (1) The boarding home licensee shall complete a negotiated service
11 agreement using the preadmission assessment, initial resident service
12 plan, and full reassessment information obtained under sections 7 and
13 8 of this act. The licensee shall include the resident and the
14 resident's legal representative if any, or the resident's
15 representative if any, in the development of the negotiated service
16 agreement. If the resident is a medicaid client, the department's case
17 manager shall also be involved.

18 (2) The negotiated service agreement shall be completed or updated:

- 19 (a) Within thirty days of the date of move-in;
- 20 (b) As necessary following the annual full assessment of the
21 resident; and

22 (c) Whenever the resident's negotiated service agreement no longer
23 adequately addresses the resident's current needs and preferences.

24 NEW SECTION. **Sec. 10.** A new section is added to chapter 18.20 RCW
25 to read as follows:

26 (1) The boarding home licensee shall permit the resident, or the
27 resident's legal representative if any, to independently arrange for or
28 contract with a practitioner licensed under Title 18 RCW regulating
29 health care professions, or a home health, hospice, or home care agency
30 licensed under chapter 70.127 RCW, to provide on-site care and services
31 to the resident, consistent with RCW 18.20.160 and chapter 70.129 RCW.
32 The boarding home licensee may permit the resident, or the resident's
33 legal representative if any, to independently arrange for other persons
34 to provide on-site care and services to the resident.

35 (2) The boarding home licensee may establish policies and
36 procedures that describe limitations, conditions, or requirements that
37 must be met prior to an outside service provider being allowed on-site.

1 (3) When the resident or the resident's legal representative
2 independently arranges for outside services under subsection (1) of
3 this section, the licensee's duty of care, and any negligence that may
4 be attributed thereto, shall be limited to: The responsibilities
5 described under subsection (4) of this section, excluding supervising
6 the activities of the outside service provider; observation of the
7 resident for changes in overall functioning, consistent with RCW
8 18.20.280; notification to the person or persons identified in RCW
9 70.129.030 when there are observed changes in the resident's overall
10 functioning or condition; and appropriately responding to obtain needed
11 assistance when there are observable or reported changes in the
12 resident's physical or mental functioning.

13 (4) Consistent with RCW 18.20.280, the boarding home licensee shall
14 not be responsible for supervising the activities of the outside
15 service provider. When information sharing is authorized by the
16 resident or the resident's legal representative, the licensee shall
17 request such information and integrate relevant information from the
18 outside service provider into the resident's negotiated service
19 agreement, only to the extent that such information is actually shared
20 with the licensee.

21 NEW SECTION. **Sec. 11.** A new section is added to chapter 18.20 RCW
22 to read as follows:

23 By December 12, 2005, the department shall report on the payment
24 system for licensed boarding homes to the chairs of the senate and
25 house of representatives health care committees. The department shall
26 include in the report findings regarding the average costs of providing
27 care and services for the nonmetropolitan statistical areas,
28 metropolitan statistical areas, and King county to determine whether
29 the rates of payment within the designated areas are, on average,
30 reasonably related to the identified average costs. The cost data is
31 exempt from disclosure as provided in section 16 of this act. The
32 purpose of this cost-to-rate comparison study is to assess any cost
33 impacts that may be attributed to the implementation of new boarding
34 home rules occurring between September 1, 2004, and June 30, 2005. If
35 the department adopts new boarding home rules after June 30, 2005, the
36 report to the chairs of the senate and house of representatives health
37 care committees will instead be due by December 12, 2006.

1 **Sec. 12.** RCW 18.20.160 and 1985 c 297 s 2 are each amended to read
2 as follows:

3 No person operating a boarding home licensed under this chapter
4 shall admit to or retain in the boarding home any aged person requiring
5 nursing or medical care of a type provided by institutions licensed
6 under chapters 18.51, 70.41 or 71.12 RCW, except that when registered
7 nurses are available, and upon a doctor's order that a supervised
8 medication service is needed, it may be provided. Supervised
9 medication services, as defined by the department and consistent with
10 chapters 69.41 and 18.79 RCW, may include an approved program of self-
11 medication or self-directed medication. Such medication service shall
12 be provided only to (~~boarders~~) residents who otherwise meet all
13 requirements for residency in a boarding home. No boarding home shall
14 admit or retain a person who requires the frequent presence and
15 frequent evaluation of a registered nurse, excluding persons who are
16 receiving hospice care or persons who have a short-term illness that is
17 expected to be resolved within fourteen days.

18 **Sec. 13.** RCW 18.20.290 and 2003 c 231 s 11 are each amended to
19 read as follows:

20 (1) When a boarding home contracts with the department to provide
21 adult residential care services, enhanced adult residential care
22 services, or assisted living services under chapter 74.39A RCW, the
23 boarding home must hold a medicaid eligible resident's room or unit
24 when short-term care is needed in a nursing home or hospital, the
25 resident is likely to return to the boarding home, and payment is made
26 under subsection (2) of this section.

27 (2) The medicaid resident's bed or unit shall be held for up to
28 twenty days. The per day bed or unit hold compensation amount shall be
29 seventy percent of the daily rate paid for the first seven days the bed
30 or unit is held for the resident who needs short-term nursing home care
31 or hospitalization. The rate for the eighth through the twentieth day
32 a bed is held shall be established in rule, but shall be no lower than
33 ten dollars per day the bed or unit is held.

34 (3) The boarding home may seek third-party payment to hold a bed or
35 unit for twenty-one days or longer. The third-party payment shall not
36 exceed (~~eighty five percent of~~) the (~~average~~) medicaid daily rate
37 paid to the facility for the resident. If third-party payment is not

1 available, the medicaid resident may return to the first available and
2 appropriate bed or unit, if the resident continues to meet the
3 admission criteria under this chapter.

4 (4) The department shall monitor the use and impact of the policy
5 established under this section and shall report its findings to the
6 appropriate committees of the senate and house of representatives by
7 December 31, 2005.

8 (5) This section expires June 30, 2006.

9 **Sec. 14.** RCW 74.39A.009 and 1997 c 392 s 103 are each amended to
10 read as follows:

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

13 (1) "Adult family home" means a home licensed under chapter 70.128
14 RCW.

15 (2) "Adult residential care" means services provided by a boarding
16 home that is licensed under chapter 18.20 RCW and that has a contract
17 with the department under RCW 74.39A.020 to provide personal care
18 services.

19 (3) "Assisted living services" means services provided by a
20 boarding home that has a contract with the department under RCW
21 74.39A.010 to provide personal care services, intermittent nursing
22 services, and medication administration services, and the resident is
23 housed in a private apartment-like unit.

24 (4) "Boarding home" means a facility licensed under chapter 18.20
25 RCW.

26 (5) "Cost-effective care" means care provided in a setting of an
27 individual's choice that is necessary to promote the most appropriate
28 level of physical, mental, and psychosocial well-being consistent with
29 client choice, in an environment that is appropriate to the care and
30 safety needs of the individual, and such care cannot be provided at a
31 lower cost in any other setting. But this in no way precludes an
32 individual from choosing a different residential setting to achieve his
33 or her desired quality of life.

34 (6) "Department" means the department of social and health
35 services.

36 (7) "Enhanced adult residential care" means services provided by a
37 boarding home that is licensed under chapter 18.20 RCW and that has a

1 contract with the department under RCW 74.39A.010 to provide personal
2 care services, intermittent nursing services, and medication
3 administration services.

4 (8) "Functionally disabled person" is synonymous with chronic
5 functionally disabled and means a person who because of a recognized
6 chronic physical or mental condition or disease, including chemical
7 dependency, is impaired to the extent of being dependent upon others
8 for direct care, support, supervision, or monitoring to perform
9 activities of daily living. "Activities of daily living", in this
10 context, means self-care abilities related to personal care such as
11 bathing, eating, using the toilet, dressing, and transfer.
12 Instrumental activities of daily living may also be used to assess a
13 person's functional abilities as they are related to the mental
14 capacity to perform activities in the home and the community such as
15 cooking, shopping, house cleaning, doing laundry, working, and managing
16 personal finances.

17 (9) "Home and community services" means adult family homes, in-home
18 services, and other services administered or provided by contract by
19 the department directly or through contract with area agencies on aging
20 or similar services provided by facilities and agencies licensed by the
21 department.

22 (10) "Long-term care" is synonymous with chronic care and means
23 care and supports delivered indefinitely, intermittently, or over a
24 sustained time to persons of any age disabled by chronic mental or
25 physical illness, disease, chemical dependency, or a medical condition
26 that is permanent, not reversible or curable, or is long-lasting and
27 severely limits their mental or physical capacity for self-care. The
28 use of this definition is not intended to expand the scope of services,
29 care, or assistance by any individuals, groups, residential care
30 settings, or professions unless otherwise expressed by law.

31 (11) "Nursing home" means a facility licensed under chapter 18.51
32 RCW.

33 (12) "Secretary" means the secretary of social and health services.

34 (13) "Tribally licensed boarding home" means a boarding home
35 licensed by a federally recognized Indian tribe which home provides
36 services similar to boarding homes licensed under chapter 18.20 RCW.

37 **Sec. 15.** RCW 74.39A.020 and 1995 1st sp.s. c 18 s 15 are each
38 amended to read as follows:

1 (1) To the extent of available funding, the department of social
2 and health services may contract for adult residential care (~~and~~
3 ~~enhanced adult residential care~~)).

4 (2) The department shall, by rule, develop terms and conditions for
5 facilities that contract with the department for adult residential care
6 (~~and enhanced adult residential care~~) to establish:

7 (a) Facility service standards consistent with the principles in
8 RCW 74.39A.050 and consistent with chapter 70.129 RCW; and

9 (b) Training requirements for providers and their staff.

10 (3) The department shall, by rule, provide that services in adult
11 residential care (~~and enhanced adult residential care~~) facilities:

12 (a) Recognize individual needs, privacy, and autonomy;

13 (b) Include personal care (~~and limited nursing services~~) and
14 other services that promote independence and self-sufficiency and aging
15 in place;

16 (c) Are directed first to those persons most likely, in the absence
17 of adult residential care (~~and enhanced adult residential care~~)
18 services, to need hospital, nursing facility, or other out-of-home
19 placement; and

20 (d) Are provided in compliance with applicable facility and
21 professional licensing laws and rules.

22 (4) When a facility contracts with the department for adult
23 residential care (~~and enhanced adult residential care~~), only services
24 and facility standards that are provided to or in behalf of the adult
25 residential care (~~or the enhanced adult residential care~~) client
26 shall be subject to the adult residential care (~~or enhanced adult~~
27 ~~residential care~~) rules.

28 (5) To the extent of available funding, the department may also
29 contract under this section with a tribally licensed boarding home for
30 the provision of services of the same nature as the services provided
31 by adult residential care facilities. The provisions of subsections
32 (2)(a) and (b) and (3)(a) through (d) of this section apply to such a
33 contract.

34 NEW SECTION. **Sec. 16.** A new section is added to chapter 42.17 RCW
35 to read as follows:

36 Data collected by the department of social and health services for
37 the reports required by section 11 of this act and section 8, chapter

1 231, Laws of 2003, except as compiled in the aggregate and reported to
2 the senate and house of representatives, is exempt from disclosure
3 under this chapter.

4 **Sec. 17.** RCW 18.20.030 and 2003 c 231 s 3 are each amended to read
5 as follows:

6 (1) After January 1, 1958, no person shall operate or maintain a
7 boarding home as defined in this chapter within this state without a
8 license under this chapter.

9 (2) A boarding home license is not required for the housing, or
10 services, that are customarily provided under landlord tenant
11 agreements governed by the residential landlord-tenant act, chapter
12 59.18 RCW, or when housing nonresident individuals who, without ongoing
13 assistance from the boarding home, initiate and arrange for services
14 provided by persons other than the boarding home licensee or the
15 licensee's contractor. This subsection does not prohibit the licensee
16 from furnishing written information concerning available community
17 resources to the nonresident individual or the individual's family
18 members or legal representatives. The licensee may not require the use
19 of any particular service provider.

20 (3) Residents receiving domiciliary care, directly or indirectly by
21 the boarding home, are not considered nonresident individuals for the
22 purposes of this section.

23 (4) A boarding home license is required when any person other than
24 an outside service provider, under section 10 of this act, or family
25 member:

26 (a) Assumes general responsibility for the safety and well-being of
27 a resident;

28 (b) Provides assistance with activities of daily living, either
29 directly or indirectly;

30 (c) Provides health support services, either directly or
31 indirectly; or

32 (d) Provides intermittent nursing services, either directly or
33 indirectly.

34 (5) A boarding home license is not required for ~~((emergency~~
35 ~~assistance when that emergency assistance is not provided on a frequent~~
36 ~~or routine basis to any one nonresident individual and the nonresident~~
37 ~~individual resides in independent senior housing, independent living~~
38 ~~units in continuing care retirement communities, independent living~~

1 ~~units having common ownership with a licensed boarding home, or other~~
2 ~~similar living situations including those subsidized by the department~~
3 ~~of housing and urban development))~~ one or more of the following
4 services that may be provided to a nonresident individual: (a)
5 Emergency assistance provided on an intermittent or nonroutine basis to
6 any nonresident individual; (b) systems employed by independent senior
7 housing, or independent living units in continuing care retirement
8 communities, to respond to the potential need for emergency services
9 for nonresident individuals; (c) infrequent, voluntary, and
10 nonscheduled blood pressure checks for nonresident individuals; (d)
11 nurse referral services provided at the request of a nonresident
12 individual to determine whether referral to an outside health care
13 provider is recommended; (e) making health care appointments at the
14 request of nonresident individuals; (f) preadmission assessment, at the
15 request of the nonresident individual, for the purposes of
16 transitioning to a licensed care setting; or (g) services customarily
17 provided under landlord tenant agreements governed by the residential
18 landlord-tenant act, chapter 59.18 RCW. The preceding services may not
19 include continual care or supervision of a nonresident individual
20 without a boarding home license.

21 NEW SECTION. Sec. 18. This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of the
23 state government and its existing public institutions, and takes effect
24 immediately, except that sections 1 through 10 and 12 of this act take
25 effect September 1, 2004.

26 NEW SECTION. Sec. 19. The department of social and health
27 services shall adopt rules by September 1, 2004, for the implementation
28 of sections 1 through 10 and 12 of this act."

SSB 6225 - H COMM AMD
By Committee on Health Care

ADOPTED 03/03/04

29 On page 1, line 1 of the title, after "homes;" strike the remainder
30 of the title and insert "amending RCW 18.20.020, 18.20.160, 18.20.290,

1 74.39A.009, 74.39A.020, and 18.20.030; adding new sections to chapter
2 18.20 RCW; adding a new section to chapter 42.17 RCW; creating a new
3 section; providing an effective date; and declaring an emergency."

--- END ---