

SSB 6225 - H COMM AMD
By Committee on Health Care

ADOPTED 03/03/2004

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

1 (~~"General responsibility for the safety and well-being of the~~
2 ~~resident" does not include:~~ (a) ~~Emergency assistance provided on an~~
3 ~~intermittent or nonroutine basis to any nonresident individual; or (b)~~
4 ~~services customarily provided under landlord tenant agreements governed~~
5 ~~by the residential landlord tenant act, chapter 59.18 RCW. Such~~
6 ~~services do not include care or supervision.~~

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

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

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

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

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

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

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

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

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

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

34 (4) When the care needs of a resident exceed the disclosed scope of
35 care or services that a boarding home licensee provides, the licensee
36 may exceed the care or services disclosed consistent with RCW
37 70.129.030(3) and RCW 70.129.110(3)(a). Providing care or services to

1 a resident that exceed the care and services disclosed may or may not
2 mean that the provider is capable of or required to provide the same
3 care or services to other residents.

4 (5) Even though the boarding home licensee may disclose that it can
5 provide certain care or services to resident applicants or to their
6 legal representative if any, and if not, to the resident applicants'
7 representative if any, the licensee may deny admission to a resident
8 applicant when the licensee determines that the needs of the resident
9 applicant cannot be met, as long as the provider operates in compliance
10 with state and federal law, including RCW 70.129.030(3).

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

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

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

19 (2) If a boarding home licensee chooses to provide assistance with
20 activities of daily living, the licensee shall provide the minimal
21 level of assistance consistent with subsection (3) of this section and
22 consistent with the reasonable accommodation requirements in state or
23 federal laws. Activities of daily living are limited to and include
24 the following:

- 25 (a) Bathing;
- 26 (b) Dressing;
- 27 (c) Eating;
- 28 (d) Personal hygiene;
- 29 (e) Transferring;
- 30 (f) Toileting; and
- 31 (g) Ambulation and mobility.

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

1 occasional stand-by physical assistance and more than occasional
2 physical assistance.

3 (4) The licensee shall clarify, through the disclosure form, the
4 assistance with activities of daily living that may be provided, and
5 any limitations or conditions that may apply. The licensee shall also
6 clarify through the disclosure form any additional services that may be
7 provided.

8 (5) In providing assistance with activities of daily living, the
9 boarding home shall observe the resident for changes in overall
10 functioning and respond appropriately when there are observable or
11 reported changes in the resident's physical, mental, or emotional
12 functioning.

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

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

- 19 (a) Blood glucose testing;
- 20 (b) Puree diets;
- 21 (c) Calorie controlled diabetic diets;
- 22 (d) Dementia care;
- 23 (e) Mental health care; and
- 24 (f) Developmental disabilities care.

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

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

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

33 (1) Boarding homes are not required to provide intermittent nursing
34 services. The boarding home licensee may choose to provide any of the
35 following intermittent nursing services through appropriately licensed

1 and credentialed staff, however, the facility may or may not need to
2 provide additional intermittent nursing services to comply with the
3 reasonable accommodation requirements in federal or state law:

- 4 (a) Medication administration;
- 5 (b) Administration of health care treatments;
- 6 (c) Diabetic management;
- 7 (d) Nonroutine ostomy care;
- 8 (e) Tube feeding; and
- 9 (f) Nurse delegation consistent with chapter 18.79 RCW.

10 (2) The licensee shall clarify on the disclosure form any
11 limitations, additional services, or conditions that may apply under
12 this section.

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

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

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

21 (1) A boarding home licensee may permit a resident's family member
22 to administer medications or treatments or to provide medication or
23 treatment assistance to the resident. The licensee shall disclose to
24 the department, residents, the residents' legal representative if any,
25 and if not, the residents' representative if any, and to interested
26 consumers upon request, information describing whether the licensee
27 permits such family administration or assistance and, if so, the extent
28 of limitations or conditions thereof.

29 (2) If a boarding home licensee permits a resident's family member
30 to administer medications or treatments or to provide medication or
31 treatment assistance, the licensee shall request that the family member
32 submit to the licensee a written medication or treatment plan. At a
33 minimum, the written medication or treatment plan shall identify:

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

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

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

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

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

14 (4) The medication or treatment plan shall be signed and dated by:

15 (a) The resident, if able;

16 (b) The resident's legal representative, if any, and, if not, the
17 resident's representative, if any;

18 (c) The resident's family member; and

19 (d) The boarding home licensee.

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

24 (6) When a boarding home licensee permits residents' family members
25 to assist with or administer medications or treatments, the licensee's
26 duty of care, and any negligence that may be attributed thereto, shall
27 be limited to: Observation of the resident for changes in overall
28 functioning consistent with RCW 18.20.280; notification to the person
29 or persons identified in RCW 70.129.030 when there are observed changes
30 in the resident's overall functioning or condition, or when the
31 boarding home is aware that both the primary and alternate plan are not
32 implemented; and appropriately responding to obtain needed assistance
33 when there are observable or reported changes in the resident's
34 physical or mental functioning.

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

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

5 (a) Medical history;

6 (b) Necessary and contraindicated medications;

7 (c) A licensed medical or health professional's diagnosis, unless
8 the individual objects for religious reasons;

9 (d) Significant known behaviors or symptoms that may cause concern
10 or require special care;

11 (e) Mental illness diagnosis, except where protected by
12 confidentiality laws;

13 (f) Level of personal care needs;

14 (g) Activities and service preferences; and

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

17 (2) The boarding home licensee shall complete the preadmission
18 assessment before admission unless there is an emergency. If there is
19 an emergency admission, the preadmission assessment shall be completed
20 within five days of the date of admission. For purposes of this
21 section, "emergency" includes, but is not limited to: Evening,
22 weekend, or Friday afternoon admissions if the resident applicant would
23 otherwise need to remain in an unsafe setting or be without adequate
24 and safe housing.

25 (3) The boarding home licensee shall complete an initial resident
26 service plan upon move-in to identify the resident's immediate needs
27 and to provide direction to staff and caregivers relating to the
28 resident's immediate needs. The initial resident service plan shall
29 include as much information as can be obtained, under subsection (1) of
30 this section.

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

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

- 1 (a) The individual's recent medical history, including, but not
2 limited to: A health professional's diagnosis, unless the resident
3 objects for religious reasons; chronic, current, and potential skin
4 conditions; known allergies to foods or medications; or other
5 considerations for providing care or services;
- 6 (b) Current necessary and contraindicated medications and
7 treatments for the individual, including:
- 8 (i) Any prescribed medications and over-the-counter medications
9 that are commonly taken by the individual, and that the individual is
10 able to independently self-administer or safely and accurately direct
11 others to administer to him or her;
- 12 (ii) Any prescribed medications and over-the-counter medications
13 that are commonly taken by the individual and that the individual is
14 able to self-administer when he or she has the assistance of a
15 resident-care staff person; and
- 16 (iii) Any prescribed medications and over-the-counter medications
17 that are commonly taken by the individual and that the individual is
18 not able to self-administer;
- 19 (c) The individual's nursing needs when the individual requires the
20 services of a nurse on the boarding home premises;
- 21 (d) The individual's sensory abilities, including vision and
22 hearing;
- 23 (e) The individual's communication abilities, including modes of
24 expression, ability to make himself or herself understood, and ability
25 to understand others;
- 26 (f) Significant known behaviors or symptoms of the individual
27 causing concern or requiring special care, including: History of
28 substance abuse; history of harming self, others, or property, or other
29 conditions that may require behavioral intervention strategies; the
30 individual's ability to leave the boarding home unsupervised; and other
31 safety considerations that may pose a danger to the individual or
32 others, such as use of medical devices or the individual's ability to
33 smoke unsupervised, if smoking is permitted in the boarding home;
- 34 (g) The individual's special needs, by evaluating available
35 information, or selecting and using an appropriate tool to determine
36 the presence of symptoms consistent with, and implications for care and
37 services of: Mental illness, or needs for psychological or mental

1 health services, except where protected by confidentiality laws;
2 developmental disability; dementia; or other conditions affecting
3 cognition, such as traumatic brain injury;

4 (h) The individual's level of personal care needs, including:
5 Ability to perform activities of daily living; medication management
6 ability, including the individual's ability to obtain and appropriately
7 use over-the-counter medications; and how the individual will obtain
8 prescribed medications for use in the boarding home;

9 (i) The individual's activities, typical daily routines, habits,
10 and service preferences;

11 (j) The individual's personal identity and lifestyle, to the extent
12 the individual is willing to share the information, and the manner in
13 which they are expressed, including preferences regarding food,
14 community contacts, hobbies, spiritual preferences, or other sources of
15 pleasure and comfort; and

16 (k) Who has decision-making authority for the individual,
17 including: The presence of any advance directive, or other legal
18 document that will establish a substitute decision maker in the future;
19 the presence of any legal document that establishes a current
20 substitute decision maker; and the scope of decision-making authority
21 of any substitute decision maker.

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

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

27 (1) The boarding home licensee shall complete a negotiated service
28 agreement using the preadmission assessment, initial resident service
29 plan, and full reassessment information obtained under sections 7 and
30 8 of this act. The licensee shall include the resident and the
31 resident's legal representative if any, or the resident's
32 representative if any, in the development of the negotiated service
33 agreement. If the resident is a medicaid client, the department's case
34 manager shall also be involved.

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

36 (a) Within thirty days of the date of move-in;

1 (b) As necessary following the annual full assessment of the
2 resident; and

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

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

7 (1) The boarding home licensee shall permit the resident, or the
8 resident's legal representative if any, to independently arrange for or
9 contract with a practitioner licensed under Title 18 RCW regulating
10 health care professions, or a home health, hospice, or home care agency
11 licensed under chapter 70.127 RCW, to provide on-site care and services
12 to the resident, consistent with RCW 18.20.160 and chapter 70.129 RCW.

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

16 (3) When the resident or the resident's legal representative
17 independently arranges for outside services under subsection (1) of
18 this section, the licensee's duty of care, and any negligence that may
19 be attributed thereto, shall be limited to: The responsibilities
20 described under subsection (4) of this section, excluding supervising
21 the activities of the outside service provider; observation of the
22 resident for changes in overall functioning, consistent with RCW
23 18.20.280; notification to the person or persons identified in RCW
24 70.129.030 when there are observed changes in the resident's overall
25 functioning or condition; and appropriately responding to obtain needed
26 assistance when there are observable or reported changes in the
27 resident's physical or mental functioning.

28 (4) Consistent with RCW 18.20.280, the boarding home licensee shall
29 not be responsible for supervising the activities of the outside
30 service provider. When information sharing is authorized by the
31 resident or the resident's legal representative, the licensee shall
32 request such information and integrate relevant information from the
33 outside service provider into the resident's negotiated service
34 agreement, only to the extent that such information is actually shared
35 with the licensee.

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

3 By December 12, 2005, the department shall report on the payment
4 system for licensed boarding homes to the chairs of the senate and
5 house of representatives health care committees. The department shall
6 include in the report findings regarding the average costs of providing
7 care and services for the nonmetropolitan statistical areas,
8 metropolitan statistical areas, and King county to determine whether
9 the rates of payment within the designated areas are, on average,
10 reasonably related to the identified average costs. The cost data is
11 exempt from disclosure as provided in section 16 of this act. The
12 purpose of this cost-to-rate comparison study is to assess any cost
13 impacts that may be attributed to the implementation of new boarding
14 home rules occurring between September 1, 2004, and June 30, 2005. If
15 the department adopts new boarding home rules after June 30, 2005, the
16 report to the chairs of the senate and house of representatives health
17 care committees will instead be due by December 12, 2006.

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

20 No person operating a boarding home licensed under this chapter
21 shall admit to or retain in the boarding home any aged person requiring
22 nursing or medical care of a type provided by institutions licensed
23 under chapters 18.51, 70.41 or 71.12 RCW, except that when registered
24 nurses are available, and upon a doctor's order that a supervised
25 medication service is needed, it may be provided. Supervised
26 medication services, as defined by the department and consistent with
27 chapters 69.41 and 18.79 RCW, may include an approved program of self-
28 medication or self-directed medication. Such medication service shall
29 be provided only to (~~boarders~~) residents who otherwise meet all
30 requirements for residency in a boarding home. No boarding home shall
31 admit or retain a person who requires the frequent presence and
32 frequent evaluation of a registered nurse, excluding persons who are
33 receiving hospice care or persons who have a short-term illness that is
34 expected to be resolved within fourteen days.

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

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

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

17 (3) The boarding home may seek third-party payment to hold a bed or
18 unit for twenty-one days or longer. The third-party payment shall not
19 exceed (~~((eighty five percent of))~~) the (~~((average))~~) medicaid daily rate
20 paid to the facility for the resident. If third-party payment is not
21 available, the medicaid resident may return to the first available and
22 appropriate bed or unit, if the resident continues to meet the
23 admission criteria under this chapter.

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

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

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

31 Unless the context clearly requires otherwise, the definitions in
32 this section apply throughout this chapter.

33 (1) "Adult family home" means a home licensed under chapter 70.128
34 RCW.

35 (2) "Adult residential care" means services provided by a boarding

1 home that is licensed under chapter 18.20 RCW and that has a contract
2 with the department under RCW 74.39A.020 to provide personal care
3 services.

4 (3) "Assisted living services" means services provided by a
5 boarding home that has a contract with the department under RCW
6 74.39A.010 to provide personal care services, intermittent nursing
7 services, and medication administration services, and the resident is
8 housed in a private apartment-like unit.

9 (4) "Boarding home" means a facility licensed under chapter 18.20
10 RCW.

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

19 (6) "Department" means the department of social and health
20 services.

21 (7) "Enhanced adult residential care" means services provided by a
22 boarding home that is licensed under chapter 18.20 RCW and that has a
23 contract with the department under RCW 74.39A.010 to provide personal
24 care services, intermittent nursing services, and medication
25 administration services.

26 (8) "Functionally disabled person" is synonymous with chronic
27 functionally disabled and means a person who because of a recognized
28 chronic physical or mental condition or disease, including chemical
29 dependency, is impaired to the extent of being dependent upon others
30 for direct care, support, supervision, or monitoring to perform
31 activities of daily living. "Activities of daily living", in this
32 context, means self-care abilities related to personal care such as
33 bathing, eating, using the toilet, dressing, and transfer. Instrumental
34 activities of daily living may also be used to assess a
35 person's functional abilities as they are related to the mental
36 capacity to perform activities in the home and the community such as

1 cooking, shopping, house cleaning, doing laundry, working, and managing
2 personal finances.

3 (9) "Home and community services" means adult family homes, in-home
4 services, and other services administered or provided by contract by
5 the department directly or through contract with area agencies on aging
6 or similar services provided by facilities and agencies licensed by the
7 department.

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

17 (11) "Nursing home" means a facility licensed under chapter 18.51
18 RCW.

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

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

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

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

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

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

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

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

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

1 (b) Include personal care (~~and limited nursing services~~) and
2 other services that promote independence and self-sufficiency and aging
3 in place;

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

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

10 (4) When a facility contracts with the department for adult
11 residential care (~~and enhanced adult residential care~~), only services
12 and facility standards that are provided to or in behalf of the adult
13 residential care (~~or the enhanced adult residential care~~) client
14 shall be subject to the adult residential care (~~or enhanced adult
15 residential care~~) rules.

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

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

24 Data collected by the department of social and health services for
25 the reports required by section 11 of this act and section 8, chapter
26 231, Laws of 2003, except as compiled in the aggregate and reported to
27 the senate and house of representatives, is exempt from disclosure
28 under this chapter.

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

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

34 (2) A boarding home license is not required for the housing, or
35 services, that are customarily provided under landlord tenant

1 agreements governed by the residential landlord-tenant act, chapter
2 59.18 RCW, or when housing nonresident individuals who, without ongoing
3 assistance from the boarding home, initiate and arrange for services
4 provided by persons other than the boarding home licensee or the
5 licensee's contractor. This subsection does not prohibit the licensee
6 from furnishing written information concerning available community
7 resources to the nonresident individual or the individual's family
8 members or legal representatives. The licensee may not require the use
9 of any particular service provider.

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

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

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

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

20 (c) Provides health support services, either directly or
21 indirectly; or

22 (d) Provides intermittent nursing services, either directly or
23 indirectly.

24 (5) ~~A boarding home license is not required for ((emergency~~
25 ~~assistance when that emergency assistance is not provided on a frequent~~
26 ~~or routine basis to any one nonresident individual and the nonresident~~
27 ~~individual resides in independent senior housing, independent living~~
28 ~~units in continuing care retirement communities, independent living~~
29 ~~units having common ownership with a licensed boarding home, or other~~
30 ~~similar living situations including those subsidized by the department~~
31 ~~of housing and urban development))~~ one or more of the following
32 services that may be provided to a nonresident individual: (a)
33 Emergency assistance provided on an intermittent or nonroutine basis to
34 any nonresident individual; (b) systems employed by independent senior
35 housing, or independent living units in continuing care retirement
36 communities, to respond to the potential need for emergency services
37 for nonresident individuals; (c) infrequent, voluntary, and

1 nonscheduled blood pressure checks for nonresident individuals; (d)
2 nurse referral services provided at the request of a nonresident
3 individual to determine whether referral to an outside health care
4 provider is recommended; (e) making health care appointments at the
5 request of nonresident individuals; (f) preadmission assessment, at the
6 request of the nonresident individual, for the purposes of
7 transitioning to a licensed care setting; or (g) services customarily
8 provided under landlord tenant agreements governed by the residential
9 landlord-tenant act, chapter 59.18 RCW. The preceding services may not
10 include continual care or supervision of a nonresident individual
11 without a boarding home license.

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

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

SSB 6225 - H COMM AMD
By Committee on Health Care

ADOPTED 03/03/2004

20 On page 1, line 1 of the title, after "homes;" strike the remainder
21 of the title and insert "amending RCW 18.20.020, 18.20.160, 18.20.290,
22 74.39A.009, 74.39A.020, and 18.20.030; adding new sections to chapter
23 18.20 RCW; adding a new section to chapter 42.17 RCW; creating a new
24 section; providing an effective date; and declaring an emergency."

--- END ---