
HOUSE BILL 2390

State of Washington 59th Legislature 2006 Regular Session

By Representatives Kagi, Moeller, Kenney and McIntire

Prefiled 12/29/2005. Read first time 01/09/2006. Referred to
Committee on Children & Family Services.

1 AN ACT Relating to the location of facilities licensed by the
2 department of social and health services for the purpose of serving
3 children and persons with developmental disabilities; and amending RCW
4 74.15.030.

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

6 **Sec. 1.** RCW 74.15.030 and 2005 c 490 s 11 are each amended to read
7 as follows:

8 The secretary shall have the power and it shall be the secretary's
9 duty:

10 (1) In consultation with the children's services advisory
11 committee, and with the advice and assistance of persons representative
12 of the various type agencies to be licensed, to designate categories of
13 facilities for which separate or different requirements shall be
14 developed as may be appropriate whether because of variations in the
15 ages, sex and other characteristics of persons served, variations in
16 the purposes and services offered or size or structure of the agencies
17 to be licensed hereunder, or because of any other factor relevant
18 thereto;

1 (2) In consultation with the children's services advisory
2 committee, and with the advice and assistance of persons representative
3 of the various type agencies to be licensed, to adopt and publish
4 minimum requirements for licensing applicable to each of the various
5 categories of agencies to be licensed.

6 The minimum requirements shall be limited to:

7 (a) The size and suitability of a facility and the plan of
8 operation for carrying out the purpose for which an applicant seeks a
9 license;

10 (b) The suitability of the location of the facility, and whether
11 the location of the facility could adversely impact the persons served
12 by the facility. In making this determination, the secretary shall
13 consider whether the existence of similar facilities in the proposed
14 location may adversely impact the persons to be served by the facility
15 including, but not limited to, the ability of those persons to be
16 integrated into the community;

17 (c) The character, suitability and competence of an agency and
18 other persons associated with an agency directly responsible for the
19 care and treatment of children, expectant mothers or developmentally
20 disabled persons. In consultation with law enforcement personnel, the
21 secretary shall investigate the conviction record or pending charges
22 and dependency record information under chapter 43.43 RCW of each
23 agency and its staff seeking licensure or relicensure. No unfounded
24 allegation of child abuse or neglect as defined in RCW 26.44.020 may be
25 disclosed to a child-placing agency, private adoption agency, or any
26 other provider licensed under this chapter. In order to determine the
27 suitability of applicants for an agency license, licensees, their
28 employees, and other persons who have unsupervised access to children
29 in care, and who have not resided in the state of Washington during the
30 three-year period before being authorized to care for children shall be
31 fingerprinted. The fingerprints shall be forwarded to the Washington
32 state patrol and federal bureau of investigation for a criminal history
33 records check. The fingerprint criminal history records checks will be
34 at the expense of the licensee except that in the case of a foster
35 family home, if this expense would work a hardship on the licensee, the
36 department shall pay the expense. The licensee may not pass this cost
37 on to the employee or prospective employee, unless the employee is
38 determined to be unsuitable due to his or her criminal history record.

1 The secretary shall use the information solely for the purpose of
2 determining eligibility for a license and for determining the
3 character, suitability, and competence of those persons or agencies,
4 excluding parents, not required to be licensed who are authorized to
5 care for children, expectant mothers, and developmentally disabled
6 persons. Criminal justice agencies shall provide the secretary such
7 information as they may have and that the secretary may require for
8 such purpose;

9 ~~((+e+))~~ (d) The number of qualified persons required to render the
10 type of care and treatment for which an agency seeks a license;

11 ~~((+d+))~~ (e) The safety, cleanliness, and general adequacy of the
12 premises to provide for the comfort, care and well-being of children,
13 expectant mothers or developmentally disabled persons;

14 ~~((+e+))~~ (f) The provision of necessary care, including food,
15 clothing, supervision and discipline; physical, mental and social well-
16 being; and educational, recreational and spiritual opportunities for
17 those served;

18 ~~((+f+))~~ (g) The financial ability of an agency to comply with
19 minimum requirements established pursuant to chapter 74.15 RCW and RCW
20 74.13.031; and

21 ~~((+g+))~~ (h) The maintenance of records pertaining to the admission,
22 progress, health and discharge of persons served;

23 (3) To investigate any person, including relatives by blood or
24 marriage except for parents, for character, suitability, and competence
25 in the care and treatment of children, expectant mothers, and
26 developmentally disabled persons prior to authorizing that person to
27 care for children, expectant mothers, and developmentally disabled
28 persons. However, if a child is placed with a relative under RCW
29 13.34.065 or 13.34.130, and if such relative appears otherwise suitable
30 and competent to provide care and treatment the criminal history
31 background check required by this section need not be completed before
32 placement, but shall be completed as soon as possible after placement;

33 (4) On reports of alleged child abuse and neglect, to investigate
34 agencies in accordance with chapter 26.44 RCW, including child day-care
35 centers and family day-care homes, to determine whether the alleged
36 abuse or neglect has occurred, and whether child protective services or
37 referral to a law enforcement agency is appropriate;

- 1 (5) To issue, revoke, or deny licenses to agencies pursuant to
2 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the
3 category of care which an agency is authorized to render and the ages,
4 sex and number of persons to be served;
- 5 (6) To prescribe the procedures and the form and contents of
6 reports necessary for the administration of chapter 74.15 RCW and RCW
7 74.13.031 and to require regular reports from each licensee;
- 8 (7) To inspect agencies periodically to determine whether or not
9 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the
10 requirements adopted hereunder;
- 11 (8) To review requirements adopted hereunder at least every two
12 years and to adopt appropriate changes after consultation with affected
13 groups for child day-care requirements and with the children's services
14 advisory committee for requirements for other agencies; and
- 15 (9) To consult with public and private agencies in order to help
16 them improve their methods and facilities for the care of children,
17 expectant mothers and developmentally disabled persons.

--- END ---