
SENATE BILL 5211

State of Washington

60th Legislature

2007 Regular Session

By Senators Carrell and Stevens

Read first time 01/12/2007. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to adult family homes; and amending RCW 70.128.005,
2 70.128.007, and 70.128.040.

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

4 **Sec. 1.** RCW 70.128.005 and 2001 c 319 s 1 are each amended to read
5 as follows:

6 The legislature finds that adult family homes are an important part
7 of the state's long-term care system. Adult family homes provide an
8 alternative to institutional care ~~((and))~~, promote a high degree of
9 independent living for residents, and help integrate the residents into
10 the general community. Persons with functional limitations have
11 broadly varying service needs. Adult family homes that can meet those
12 needs are an essential component of a long-term system. The
13 legislature further finds that different populations living in adult
14 family homes, such as ~~((the developmentally disabled))~~ people with
15 developmental disabilities and the elderly, often have significantly
16 different needs and capacities from one another.

17 It is the legislature's intent that department rules and policies
18 relating to the licensing and operation of adult family homes recognize
19 and accommodate the different needs and capacities of the various

1 populations served by the homes. Furthermore, the development and
2 operation of adult family homes that can provide quality personal care
3 and special care services should be encouraged.

4 The legislature finds that many residents of community-based long-
5 term care facilities are vulnerable and their health and well-being are
6 dependent on their caregivers. The quality, skills, and knowledge of
7 their caregivers are the key to good care. The legislature finds that
8 the need for well-trained caregivers is growing as the state's
9 population ages and residents' needs increase. The legislature intends
10 that current training standards be enhanced.

11 The legislature finds that the state of Washington has a compelling
12 interest in protecting and promoting the health, welfare, and safety of
13 vulnerable adults residing in adult family homes. The health, safety,
14 and well-being of vulnerable adults must be the paramount concern in
15 determining whether to issue a license to an applicant, whether to
16 suspend or revoke a license, or whether to take other licensing
17 actions.

18 **Sec. 2.** RCW 70.128.007 and 2001 c 319 s 5 are each amended to read
19 as follows:

20 The purposes of this chapter are to:

21 (1) Encourage the establishment and maintenance of adult family
22 homes that provide a humane, safe, and residential home environment for
23 persons with functional limitations who need personal and special care;

24 (2) Establish standards for regulating adult family homes that:

25 (a) Adequately protect residents; and

26 (b) Avoid over-concentration of adult family homes which would be
27 in inconsistent with the objective of integrating residents into the
28 general community;

29 (3) Encourage consumers, families, providers, municipalities where
30 adult family homes are located, and the public to become active in
31 assuring their full participation in development of adult family homes
32 that provide high quality and cost-effective care;

33 (4) Provide for appropriate care of residents in adult family homes
34 by requiring that each resident have a care plan that promotes the most
35 appropriate level of physical, mental, and psychosocial well-being
36 consistent with client choice; and

1 (5) Accord each resident the right to participate in the
2 development of the care plan and in other major decisions involving the
3 resident and their care.

4 **Sec. 3.** RCW 70.128.040 and 1995 c 260 s 3 are each amended to read
5 as follows:

6 (1) The department shall adopt rules and standards with respect to
7 adult family homes and the operators thereof to be licensed under this
8 chapter to carry out the purposes and requirements of this chapter.
9 The rules and standards relating to applicants and operators shall
10 address the differences between individual providers and providers that
11 are partnerships, corporations, associations, or companies. The
12 department shall consult with the municipalities to develop rules and
13 standards appropriate to the infrastructure and basic services
14 available in the municipalities, communities, and neighborhoods in
15 which adult family homes are located, and the setting of adult family
16 homes. The rules and standards shall also recognize and be appropriate
17 to the different needs and capacities of the various populations served
18 by adult family homes such as but not limited to (~~the developmentally~~
19 ~~disabled~~) people with developmental disabilities and the elderly. In
20 developing rules and standards the department shall recognize the
21 residential family-like nature of adult family homes and not develop
22 rules and standards which by their complexity serve as an overly
23 restrictive barrier to the development of the adult family homes in the
24 state. Procedures and forms established by the department shall be
25 developed so they are easy to understand and comply with. Paper work
26 requirements shall be minimal. Easy to understand materials shall be
27 developed for applicants and providers explaining licensure
28 requirements and procedures.

29 (2) In developing the rules and standards, the department shall
30 consult with all divisions and administrations within the department
31 serving the various populations living in adult family homes, including
32 the division of developmental disabilities and the aging and adult
33 services administration. Involvement by the divisions and
34 administration shall be for the purposes of assisting the department to
35 develop rules and standards appropriate to the different needs and
36 capacities of the various populations served by adult family homes.
37 During the initial stages of development of proposed rules, the

1 department shall provide notice of development of the rules to
2 organizations representing adult family homes and their residents, and
3 other groups that the department finds appropriate. The notice shall
4 state the subject of the rules under consideration and solicit written
5 recommendations regarding their form and content.

6 (3) Except where provided otherwise, chapter 34.05 RCW shall govern
7 all department rule-making and adjudicative activities under this
8 chapter.

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