
SUBSTITUTE SENATE BILL 5285

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senator Keiser; by request of Department of Social and Health Services)

READ FIRST TIME 01/30/07.

1 AN ACT Relating to residential services and support enforcement
2 standards; reenacting and amending RCW 71A.12.270; creating a new
3 section; and recodifying RCW 71A.12.270.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature for
6 enforcement standards to apply to all residential services and support
7 providers.

8 **Sec. 2.** RCW 71A.12.270 and 2006 c 303 s 8 are each reenacted and
9 amended to read as follows:

10 (1) The department is authorized to take one or more of the
11 enforcement actions listed in subsection (2) of this section when the
12 department finds that a provider of residential services and support
13 with whom the department entered into an agreement under this chapter
14 has:

15 (a) Failed or refused to comply with the requirements of this
16 chapter or the rules adopted under it;

17 (b) Failed or refused to cooperate with the certification process;

1 (c) Prevented or interfered with a certification, inspection, or
2 investigation by the department;

3 (d) Failed to comply with any applicable requirements regarding
4 vulnerable adults under chapter 74.34 RCW; or

5 (e) Knowingly, or with reason to know, made a false statement of
6 material fact related to certification or contracting with the
7 department, or in any matter under investigation by the department.

8 (2) The department may:

9 (a) Decertify or refuse to renew the certification of a provider;

10 (b) Impose conditions on a provider's certification status;

11 (c) Suspend department referrals to the provider; or

12 (d) Require a provider to implement a plan of correction developed
13 by the department and to cooperate with subsequent monitoring of the
14 provider's progress. In the event a provider fails to implement the
15 plan of correction or fails to cooperate with subsequent monitoring,
16 the department may impose civil penalties of not more than one hundred
17 (~~fifty~~) dollars per day per violation. Each day during which the
18 same or similar action or inaction occurs constitutes a separate
19 violation.

20 (3) When determining the appropriate enforcement action or actions
21 under subsection (2) of this section, the department must select
22 actions commensurate with the seriousness of the harm or threat of harm
23 to the persons being served by the provider. Further, the department
24 may take enforcement actions that are more severe for violations that
25 are uncorrected, repeated, pervasive, or which present a serious threat
26 of harm to the health, safety, or welfare of persons served by the
27 provider. The department shall by rule develop criteria for the
28 selection and implementation of enforcement actions authorized in
29 subsection (2) of this section. Rules adopted under this section shall
30 include a process for an informal review upon request by a provider.

31 (4) The provisions of chapter 34.05 RCW apply to enforcement
32 actions under this section. Except for the imposition of civil
33 penalties, the effective date of enforcement actions shall not be
34 delayed or suspended pending any hearing or informal review.

35 (5) The enforcement actions and penalties authorized in this
36 section are not exclusive or exhaustive and nothing in this section
37 prohibits the department from taking any other action authorized in
38 statute or rule or under the terms of a contract with the provider.

1 NEW SECTION. **Sec. 3.** RCW 71A.12.270 is recodified as a section in
2 chapter 71A.12 RCW.

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