
SENATE BILL 5796

State of Washington 64th Legislature 2015 Regular Session

By Senators Becker, Keiser, and Pearson

Read first time 02/03/15. Referred to Committee on Health Care.

1 AN ACT Relating to the regulation of adult family homes; and
2 amending RCW 70.128.060 and 70.128.120.

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

4 **Sec. 1.** RCW 70.128.060 and 2013 c 300 s 2 are each amended to
5 read as follows:

6 (1) An application for license shall be made to the department
7 upon forms provided by it and shall contain such information as the
8 department reasonably requires.

9 (2) Subject to the provisions of this section, the department
10 shall issue a license to an adult family home if the department finds
11 that the applicant and the home are in compliance with this chapter
12 and the rules adopted under this chapter. The department may not
13 issue a license if (a) the applicant or a person affiliated with the
14 applicant has prior violations of this chapter relating to the adult
15 family home subject to the application or any other adult family
16 home, or of any other law regulating residential care facilities
17 within the past ten years that resulted in revocation, suspension, or
18 nonrenewal of a license or contract with the department; or (b) the
19 applicant or a person affiliated with the applicant has a history of
20 significant noncompliance with federal, state, or local laws, rules,
21 or regulations relating to the provision of care or services to

1 vulnerable adults or to children. A person is considered affiliated
2 with an applicant if the person is listed on the license application
3 as a partner, officer, director, resident manager, or majority owner
4 of the applying entity, or is the spouse of the applicant.

5 (3) The license fee shall be submitted with the application.

6 (4) Proof of financial solvency must be submitted when requested
7 by the department.

8 (5) The department shall serve upon the applicant a copy of the
9 decision granting or denying an application for a license. An
10 applicant shall have the right to contest denial of his or her
11 application for a license as provided in chapter 34.05 RCW by
12 requesting a hearing in writing within twenty-eight days after
13 receipt of the notice of denial.

14 (6) The department shall not issue a license to a provider if the
15 department finds that the provider or spouse of the provider or any
16 partner, officer, director, managerial employee, or majority owner
17 has a history of significant noncompliance with federal or state
18 regulations, rules, or laws in providing care or services to
19 vulnerable adults or to children.

20 (7) The department shall license an adult family home for the
21 maximum level of care that the adult family home may provide. The
22 department shall define, in rule, license levels based upon the
23 education, training, and caregiving experience of the licensed
24 provider or staff.

25 (8) For adult family homes that serve residents with special
26 needs such as dementia, developmental disabilities, or mental
27 illness, specialty training is required of providers and resident
28 managers consistent with RCW 70.128.230, and also is required for
29 caregivers, with standardized competency testing for caregivers hired
30 after July 28, 2013, as set forth by the department in rule. The
31 department shall examine, with input from experts, providers,
32 consumers, and advocates, whether the existing specialty training
33 courses are adequate for providers, resident managers, and caregivers
34 to meet these residents' special needs, are sufficiently standardized
35 in curricula and instructional techniques, and are accompanied by
36 effective tools to fairly evaluate successful student completion. The
37 department may enhance the existing specialty training requirements
38 by rule, and may update curricula, instructional techniques, and
39 competency testing based upon its review and stakeholder input. In
40 addition, the department shall examine, with input from experts,

1 providers, consumers, and advocates, whether additional specialty
2 training categories should be created for adult family homes serving
3 residents with other special needs, such as traumatic brain injury,
4 skilled nursing, or bariatric care. The department may establish, by
5 rule, additional specialty training categories and requirements for
6 providers, resident managers, and caregivers, if needed to better
7 serve residents with such special needs.

8 (9) The department shall establish, by rule, standards used to
9 license nonresident providers and multiple facility operators.

10 (10) The department shall establish, by rule, for multiple
11 facility operators educational standards substantially equivalent to
12 recognized national certification standards for residential care
13 administrators.

14 (11)(a)(i) At the time of an application for an adult family home
15 license and upon the annual fee renewal date set by the department,
16 the licensee shall pay a license fee. Beginning July 1, 2011, the per
17 bed license fee and any processing fees, including the initial
18 license fee, must be established in the omnibus appropriations act
19 and any amendment or additions made to that act. The license fees
20 established in the omnibus appropriations act and any amendment or
21 additions made to that act may not exceed the department's annual
22 licensing and oversight activity costs and must include the
23 department's cost of paying providers for the amount of the license
24 fee attributed to medicaid clients.

25 (ii) In addition to the fees established in (a)(i) of this
26 subsection, the department shall charge the licensee a nonrefundable
27 fee in the event of a change in ownership of the adult family home.
28 The fee must be established in the omnibus appropriations act and any
29 amendment or additions made to that act.

30 (b) The department may authorize a one-time waiver of all or any
31 portion of the licensing, processing, or change of ownership fees
32 required under this subsection (11) in any case in which the
33 department determines that an adult family home is being relicensed
34 because of exceptional circumstances, such as death or incapacity of
35 a provider, and that to require the full payment of the licensing,
36 processing, or change of ownership fees would present a hardship to
37 the applicant.

38 (12) A provider who receives notification of the department's
39 initiation of a denial, suspension, nonrenewal, or revocation of an
40 adult family home license may, in lieu of appealing the department's

1 action, surrender or relinquish the license. The department shall not
2 issue a new license to or contract with the provider, for the
3 purposes of providing care to vulnerable adults or children, for a
4 period of twenty years following the surrendering or relinquishment
5 of the former license. The licensing record shall indicate that the
6 provider relinquished or surrendered the license, without admitting
7 the violations, after receiving notice of the department's initiation
8 of a denial, suspension, nonrenewal, or revocation of a license.

9 (13) The department shall establish, by rule, the circumstances
10 requiring a change in the licensed provider, which include, but are
11 not limited to, a change in ownership or control of the adult family
12 home or provider, a change in the provider's form of legal
13 organization, such as from sole proprietorship to partnership or
14 corporation, and a dissolution or merger of the licensed entity with
15 another legal organization. The new provider is subject to the
16 provisions of this chapter, the rules adopted under this chapter, and
17 other applicable law. In order to ensure that the safety of residents
18 is not compromised by a change in provider, the new provider is
19 responsible for correction of all violations that may exist at the
20 time of the new license.

21 **Sec. 2.** RCW 70.128.120 and 2013 c 39 s 21 are each amended to
22 read as follows:

23 Each adult family home provider, applicant, and each resident
24 manager shall have the following minimum qualifications, except that
25 only applicants are required to meet the provisions of subsections
26 (10) and (11) of this section:

27 (1) Twenty-one years of age or older;

28 (2) For those applying after September 1, 2001, to be licensed as
29 providers, and for resident managers whose employment begins after
30 September 1, 2001, a United States high school diploma or high school
31 equivalency certificate as provided in RCW 28B.50.536 or any English
32 or translated government documentation of the following:

33 (a) Successful completion of government-approved public or
34 private school education in a foreign country that includes an annual
35 average of one thousand hours of instruction over twelve years or no
36 less than twelve thousand hours of instruction;

37 (b) A foreign college, foreign university, or United States
38 community college two-year diploma;

1 (c) Admission to, or completion of coursework at, a foreign
2 university or college for which credit was granted;

3 (d) Admission to, or completion of coursework at, a United States
4 college or university for which credits were awarded;

5 (e) Admission to, or completion of postgraduate coursework at, a
6 United States college or university for which credits were awarded;
7 or

8 (f) Successful passage of the United States board examination for
9 registered nursing, or any professional medical occupation for which
10 college or university education preparation was required;

11 (3) Good moral and responsible character and reputation;

12 (4) Literacy and the ability to communicate in the English
13 language;

14 (5) Management and administrative ability to carry out the
15 requirements of this chapter;

16 (6) Satisfactory completion of department-approved basic training
17 and continuing education training as required by RCW 74.39A.074, and
18 in rules adopted by the department;

19 (7) Satisfactory completion of department-approved, or
20 equivalent, special care training before a provider may provide
21 special care services to a resident;

22 (8) Not been convicted of any crime that is disqualifying under
23 RCW 43.43.830 or 43.43.842, or department rules adopted under this
24 chapter, or been found to have abused, neglected, exploited, or
25 abandoned a minor or vulnerable adult as specified in RCW
26 74.39A.056(2);

27 (9) For those applying to be licensed as providers, and for
28 resident managers whose employment begins after August 24, 2011, at
29 least one thousand hours in the previous sixty months of successful,
30 direct caregiving experience obtained after age eighteen to
31 vulnerable adults in a licensed or contracted setting prior to
32 operating or managing an adult family home. The applicant or resident
33 manager must have credible evidence of the successful, direct
34 caregiving experience or, currently hold one of the following
35 professional licenses: Physician licensed under chapter 18.71 RCW;
36 osteopathic physician licensed under chapter 18.57 RCW; osteopathic
37 physician assistant licensed under chapter 18.57A RCW; physician
38 assistant licensed under chapter 18.71A RCW; registered nurse,
39 advanced registered nurse practitioner, or licensed practical nurse
40 licensed under chapter 18.79 RCW;

1 (10) For applicants, proof of financial solvency, as defined in
2 rule; and

3 (11) Applicants must successfully complete an adult family home
4 administration and business planning class, prior to being granted a
5 license. The class must be a minimum of forty-eight hours of
6 classroom time and approved by the department. The department shall
7 promote and prioritize bilingual capabilities within available
8 resources and when materials are available for this purpose. Under
9 exceptional circumstances, such as the sudden and unexpected death of
10 a provider, the department may consider granting a license to an
11 applicant who has not completed the class but who meets all other
12 requirements. If the department decides to grant the license due to
13 exceptional circumstances, the applicant must complete the class
14 within four months of licensure.

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