

SSB 5691 - H COMM AMD

By Committee on Health Care & Wellness

ADOPTED 04/11/2025

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 18.390.080 and 2016 c 183 s 8 are each amended to
4 read as follows:

5 ~~((1))~~ The legislature finds that the ~~((violation of the title~~
6 ~~protection requirements of RCW 18.390.050, the failure of a~~
7 ~~continuing care retirement community to register with the department~~
8 ~~under RCW 18.390.020, the failure of a continuing care retirement~~
9 ~~community to comply with the disclosure statement delivery and~~
10 ~~content requirements under RCW 18.390.060, and the failure of a~~
11 ~~continuing care retirement community to comply with the resident~~
12 ~~expectations established under RCW 18.390.070 are matters vitally~~
13 ~~affecting the public interest for the purpose of applying the~~
14 ~~consumer protection act, chapter 19.86 RCW. A violation of the title~~
15 ~~protection requirements under RCW 18.390.050, registration~~
16 ~~requirement under RCW 18.390.020, the disclosure statement delivery~~
17 ~~and content requirements under RCW 18.390.060, and the resident~~
18 ~~expectations requirements under RCW 18.390.070 are not reasonable in~~
19 ~~relation to the development and preservation of business and are an~~
20 ~~unfair or deceptive act in trade or commerce and an unfair method of~~
21 ~~competition for the purpose of applying the consumer protection act,~~
22 ~~chapter 19.86 RCW.~~

23 ~~(2) The attorney general shall provide notice to the management~~
24 ~~of the continuing care retirement community of submitted complaints~~
25 ~~including the name of the complainant to allow the community to take~~
26 ~~corrective action. Except for violations of the title protection~~
27 ~~requirements of RCW 18.390.050 and the failure of a continuing care~~
28 ~~retirement community to register with the department under RCW~~
29 ~~18.390.020, the attorney general shall limit its application of the~~
30 ~~consumer protection act in subsection (1) of this section to those~~
31 ~~cases in which a pattern of complaints, submitted by affected~~
32 ~~parties, or other activity that, when considered together,~~

1 demonstrate a pattern of similar conduct that, without enforcement,
2 likely establishes an unfair or deceptive act in trade or commerce
3 and an unfair method of competition.) practices covered by this
4 chapter are matters vitally affecting the public interest for the
5 purpose of applying the consumer protection act, chapter 19.86 RCW. A
6 violation of this chapter is not reasonable in relation to the
7 development and preservation of business and is an unfair or
8 deceptive act in trade or commerce and an unfair method of
9 competition for the purpose of applying the consumer protection act,
10 chapter 19.86 RCW.

11 **Sec. 2.** RCW 18.390.030 and 2016 c 183 s 3 are each amended to
12 read as follows:

13 (1) An applicant for a registration as a continuing care
14 retirement community must submit the following materials to the
15 department:

16 (a) A written application to the department providing all
17 necessary information on a form provided by the department;

18 (b) Information about the licensed assisted living facility
19 component of the continuing care retirement community and, if the
20 continuing care retirement community operates a nursing home,
21 information about that component;

22 (c) Copies of any residency agreements that the continuing care
23 retirement community intends to use for the certification period;

24 (d) A written statement indicating whether the residency
25 agreement includes an entrance fee in lieu of payment for future care
26 and services and, if so, whether those services are covered
27 completely or partially by the entrance fee;

28 (e) A copy of the disclosure statement that includes current
29 information required by RCW 18.390.060;

30 ~~((e))~~ (f)(i) Except as provided in ~~((e))~~ (f)(ii) of this
31 subsection, copies of audited financial statements for the two most
32 recent fiscal years. The audited financial statement for the most
33 current period may not have been prepared more than eighteen months
34 prior to the date that the continuing care retirement community
35 applied for its current registration;

36 (ii) If the continuing care retirement community:

37 (A) Has obtained financing, but has been in operation less than
38 two years, a copy of the audited financial statement for the most
39 current period, if available, and an independent accountant's report

1 opinion letter that has evaluated the financial feasibility of the
2 continuing care retirement community; or

3 (B) Has not obtained financing, a summary of the actuarial
4 analysis for the new continuing care retirement community stating
5 that the continuing care retirement community is in satisfactory
6 actuarial balance;

7 (~~(f)~~) (g) An attestation by a management representative of the
8 continuing care retirement community that the continuing care
9 retirement community is in compliance with the disclosure
10 notification requirements of RCW 18.390.060; and

11 (~~(g)~~) (h) Payment of any registration fees associated with the
12 department's cost of registering continuing care retirement
13 communities.

14 (2) The department shall base its decision to issue a
15 registration on the completeness of the application. If an
16 application is incomplete, the department shall inform the applicant
17 and give the applicant an opportunity to supplement its submission.
18 An applicant may appeal a decision of the department to deny an
19 application for registration.

20 (3) The department shall issue the registration within sixty days
21 of the receipt of a complete application, payment of fees, submission
22 of disclosures, residency agreements, and the attestation. The
23 department's failure to timely issue a registration may not cause a
24 delay in the change of ownership and ongoing operation of the
25 continuing care retirement community.

26 (4) Registration is valid for two years.

27 (5) Registration is not transferable.

28 (6) Materials submitted pursuant to this section are not subject
29 to disclosure under the public records act, chapter 42.56 RCW."

30 Correct the title.

EFFECT: Requires that applications to register as a continuing care retirement community include a written statement indicating whether the residency agreement includes an entrance fee in lieu of payment for future care and services and whether those services are covered completely or partially by the entrance fee.

--- END ---