

2 SHB 1258 - S COMM AMD

3 By Committee on Health & Long-Term Care

4 ADOPTED 3/6/92

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 18.52.020 and 1991 c 3 s 116 are each amended to read  
8 as follows:

9 When used in this chapter, unless the context otherwise clearly  
10 requires:

11 (1) "Board" means the state board ~~((of examiners for the~~  
12 ~~licensing))~~ of nursing home administrators representative of the  
13 professions and institutions concerned with the care of the chronically  
14 ill and infirm aged patients.

15 (2) "Secretary" means the secretary of health or the secretary's  
16 designee.

17 (3) "Nursing home" means any facility or portion thereof licensed  
18 under state law as a nursing home.

19 (4) "Nursing home administrator" means an individual ~~((in active~~  
20 ~~administrative charge of nursing homes as defined herein, whether or~~  
21 ~~not having an ownership interest in such homes, and although functions~~  
22 ~~and duties may be shared with or delegated to other persons: PROVIDED~~  
23 ~~HOWEVER, That))~~ qualified by education, experience, training, and  
24 examination to administer a nursing home. A nursing home administrator  
25 administering a nursing home must be in active administrative charge as  
26 defined by the board. Nothing in this definition or this chapter shall  
27 be construed to prevent any person, so long as he or she is otherwise  
28 qualified, from obtaining and maintaining a license even though he or

1 she has not administered or does not continue to administer a nursing  
2 home."

3 "NEW SECTION. **Sec. 2.** A new section is added to chapter 18.52 RCW  
4 to read as follows:

5 In addition to any other authority provided by law, the secretary  
6 shall have the following authority:

7 (1) To set all fees required in this chapter in accordance with RCW  
8 43.70.250 which may include fees for approval of continuing competency,  
9 supervision of practical experience, all applications, verification,  
10 renewal, examination, and late penalties;

11 (2) To establish forms necessary to administer this chapter;

12 (3) To issue a license to any applicant who has met the education,  
13 training, and examination requirements for licensure and deny a license  
14 to applicants who do not meet the minimum qualifications for licensure,  
15 except that proceedings concerning the denial of licenses based on  
16 unprofessional conduct or impaired practice shall be governed by the  
17 uniform disciplinary act, chapter 18.130 RCW;

18 (4) To employ clerical, administrative, and investigative staff as  
19 needed to implement and administer this chapter and to employ  
20 individuals including those licensed under this chapter to serve as  
21 examiners or consultants as necessary to implement and administer this  
22 chapter; and

23 (5) To maintain the official department record of all applicants  
24 and licensees."

25 **"Sec. 3.** RCW 18.52.030 and 1970 ex.s. c 57 s 3 are each amended to  
26 read as follows:

27 (~~(On or after July 1, 1970)~~) Nursing homes operating within this  
28 state (~~(must)~~) shall be under the active, overall administrative charge

1 and supervision of an on-site full-time administrator licensed as  
2 provided in this chapter. (~~An administrator may delegate functions~~  
3 ~~and duties to other persons.~~) No person acting in any capacity,  
4 unless (~~he is~~) the holder of a nursing home administrator's license  
5 issued under this chapter, shall be charged with the overall  
6 responsibility to make decisions or direct actions involved in managing  
7 the internal operation of a nursing home, except as specifically  
8 delegated in writing by the administrator to identify a responsible  
9 person to act on the administrator's behalf when the administrator is  
10 absent. The administrator shall review the decisions upon the  
11 administrator's return and amend the decisions if necessary. The board  
12 shall define by rule the parameters for on-site full-time  
13 administrators in nursing homes with small resident populations and  
14 nursing homes in rural areas, or separately licensed facilities  
15 collocated on the same campus, as well as provide for the  
16 administrative requirements for nursing homes that are temporarily  
17 without administrators."

18 "Sec. 4. RCW 18.52.040 and 1975 1st ex.s. c 97 s 1 are each  
19 amended to read as follows:

20 (~~There is hereby created a~~) The state board of (~~examiners for~~)  
21 nursing home administrators (~~which~~) shall consist of nine members  
22 appointed by the governor. (~~All members shall be representative of~~  
23 ~~the professions and institutions concerned with the care and treatment~~  
24 ~~of chronically ill or infirm elderly patients. However, at no time~~  
25 ~~shall representatives of a single profession or a single institutional~~  
26 ~~category compose a majority of the board membership. In addition, no~~  
27 ~~member who is a noninstitutional representative shall have any direct~~  
28 ~~financial interest in nursing homes while serving as a member of the~~  
29 ~~board. For purposes of this section, nursing home administrators are~~

1 considered representatives of institutions. Eight of the board's  
2 members shall be privately or self-employed persons who the governor  
3 finds have had at least four years of actual experience in the  
4 administration or overall management of licensed nursing homes in this  
5 state immediately prior to the governor's appointment of them to the  
6 board; or shall be representatives from the medical professions, or  
7 health care administration education, or persons with four years actual  
8 experience in the administration of the nursing home unit of a licensed  
9 hospital immediately preceding the governor's appointment of them to  
10 the board; and shall be privately or self-employed persons, or persons  
11 employed by educational institutions, whom the governor appoints  
12 because of their special knowledge or expertise in the field of long  
13 term care or the care of the aged and chronically ill: PROVIDED, That  
14 one member shall be a citizen eligible for medicare who shall have no  
15 financial interest in or family ownership connection with nursing  
16 homes. Board members selected who meet any of the preceding  
17 qualifications may in addition be nurses, physicians or other persons  
18 with special health care training.)) Four members shall be persons  
19 licensed under this chapter who have at least four years actual  
20 experience in the administration of a licensed nursing home in this  
21 state immediately preceding appointment to the board and who are not  
22 employed by the state or federal government.

23 Four members shall be representatives of the health care  
24 professions providing medical or nursing services in nursing homes who  
25 are privately or self-employed; or shall be persons employed by  
26 educational institutions who have special knowledge or expertise in the  
27 field of health care administration, health care education or long-term  
28 care or both, or care of the aged and chronically ill.

29 One member shall be a resident of a nursing home or a family member  
30 of a resident or a person eligible for medicare. No member who is a

1 nonadministrator representative shall have any direct or family  
2 financial interest in nursing homes while serving as a member of the  
3 board. The governor shall consult with and seek the recommendations of  
4 the appropriate state-wide business and professional organizations and  
5 societies primarily concerned with long term health care facilities in  
6 the course of considering his appointments to the board. Board members  
7 currently serving shall continue to serve until the expiration of their  
8 appointments."

9 "Sec. 5. RCW 18.52.050 and 1970 ex.s. c 57 s 5 are each amended to  
10 read as follows:

11 Members of the board shall be citizens of the United States and  
12 residents of this state. (~~Except for the initial appointments to the~~  
13 ~~first board,)~~ All administrator members of the board shall be holders  
14 of licenses under this chapter. ((Three members of the board shall be  
15 appointed initially for terms of three years, three members shall be  
16 appointed for terms of two years, and three members shall be appointed  
17 for terms of one year. Thereafter)) The terms of all members shall be  
18 ((three)) five years. ((Members of the board may be removed by the  
19 governor for cause after appropriate notice and hearing.)) Any board  
20 member may be removed for just cause including a finding of fact of  
21 unprofessional conduct or impaired practice. The governor may appoint  
22 a new member to fill any vacancy on the board for the remainder of the  
23 unexpired term. No board member may serve more than two consecutive  
24 terms, whether full or partial. Board members shall serve until their  
25 successors are appointed. Board members shall be compensated in  
26 accordance with RCW 43.03.240 and shall be reimbursed for travel  
27 expenses as provided in RCW 43.03.050 and 43.03.060. The board may  
28 elect annually a chair and vice-chair to direct the meetings of the

1 board. The board shall meet at least four times each year and may hold  
2 additional meetings as called by the secretary or the chair."

3 "NEW SECTION. Sec. 6. A new section is added to chapter 18.52 RCW  
4 to read as follows:

5 In addition to any authority provided by law, the board shall have  
6 the following authority:

7 (1) To adopt rules in accordance with chapter 34.05 RCW necessary  
8 to implement this chapter;

9 (2) To prepare and administer or approve the preparation and  
10 administration of examinations for licensure;

11 (3) To conduct a hearing on an appeal of a denial of license based  
12 on the applicant's failure to meet the minimum qualifications for  
13 licensure. The hearing shall be conducted pursuant to chapter 34.05  
14 RCW;

15 (4) To establish by rule the procedures for an appeal of an  
16 examination failure;

17 (5) To adopt rules implementing a continuing competency program;

18 (6) To issue subpoenas, statements of charges, statements of intent  
19 to deny licenses, and orders, and to delegate in writing to a designee  
20 to issue subpoenas; and

21 (7) To issue temporary license permits under circumstances defined  
22 by the board."

23 "NEW SECTION. Sec. 7. A new section is added to chapter 18.52 RCW  
24 to read as follows:

25 The department shall issue a license to any person applying for a  
26 nursing home administrator's license after July 1, 1993, who meets the  
27 following requirements:

1 (1) Successful completion of the requirements for a baccalaureate  
2 degree from a recognized institution of higher learning: PROVIDED,  
3 That if education requirements are adopted by the federal government,  
4 the board may adopt rules requiring educational qualifications to meet  
5 those requirements;

6 (2) Successful completion of a practical experience requirement as  
7 determined by the board;

8 (3) Successful completion of examinations administered or approved  
9 by the board, or both, which shall be designed to test the candidate's  
10 competence to administer a nursing home;

11 (4) At least twenty-one years of age; and

12 (5) Not having engaged in unprofessional conduct as defined in RCW  
13 18.130.180 or being unable to practice with reasonable skill and safety  
14 as defined in RCW 18.130.170. The board shall establish by rule what  
15 constitutes adequate proof of meeting the above requirements.

16 A limited license indicating the limited extent of authority to  
17 administer institutions certified by such church or denomination  
18 teaching religious or spiritual means for healing through prayer, shall  
19 be issued to individuals demonstrating membership in such church or  
20 denomination. However, nothing in this chapter shall be construed to  
21 require an applicant certified by any well established and generally  
22 recognized church or religious denomination teaching reliance on  
23 spiritual means alone to demonstrate proficiency in any medical  
24 techniques or to meet any medical educational qualifications or medical  
25 standards not in accord with the remedial care and treatment provided  
26 in such institutions."

27 "Sec. 8. RCW 18.52.110 and 1991 c 3 s 120 are each amended to read  
28 as follows:

1 (1) Every holder of a nursing home administrator's license shall  
2 reregister (~~((it annually with the secretary))~~) on dates specified by the  
3 secretary (~~((by making application for reregistration on forms provided  
4 by the secretary))~~). Such (~~((reregistration))~~) relicensure shall be  
5 granted (~~((automatically))~~) upon receipt of a fee determined by the  
6 secretary as provided in RCW 43.70.250, and upon fulfilling the  
7 continuing competency requirement. In the event that any license is  
8 not reregistered (~~((within thirty days after the date for reregistration  
9 specified by the secretary))~~), the secretary (~~((shall, in accordance with  
10 rules prescribed by the board, give notice to the license holder, and))~~)  
11 may (~~((thereafter in accordance with rules prescribed by the board))~~)  
12 charge up to double the (~~((normal reregistration))~~) relicensure fee. In  
13 the event that the license of an individual is not (~~((reregistered))~~)  
14 relicensed within two years from the most recent date for  
15 (~~((reregistration))~~) relicensure it shall lapse and such individual must  
16 again apply for licensing and meet all requirements of this chapter for  
17 a new applicant. The board may prescribe rules for maintenance of a  
18 license at a reduced fee for temporary or permanent withdrawal or  
19 retirement from the active practice of nursing home administration.

20 (2) A condition of (~~((reregistration))~~) relicensure shall be the  
21 presentation of proof by the applicant that (~~((he or she has attended  
22 the number of classroom hours of approved educational programs,  
23 classes, seminars, or proceedings set by the board. The board shall  
24 have the power to approve programs, classes, seminars, or proceedings  
25 offered in this state or elsewhere by any accredited institution of  
26 higher learning or any national or local group or society if such  
27 programs, classes, seminars, or proceedings are reasonably related to  
28 the administration of nursing homes. The board shall establish rules  
29 providing that the applicant for reregistration may present such proofs  
30 yearly, or may obtain the cumulative number of required hours over a~~



1 three year period and present such proofs over periods of three years.  
2 In no event shall the number of classroom hours required for any time  
3 period exceed the number of such board approved classroom hours  
4 reasonably available over such time period on an adult or continuing  
5 education basis to nonmatriculating participants in this state.

6 (3) An individual may obtain and reregister a license under this  
7 chapter although he or she does not actively engage in nursing home  
8 administration. The licensee shall meet requirements set by the board  
9 to ensure the individual's continued competency)) the board requirement  
10 for continuing competency related to the administration of nursing  
11 homes has been met."

12 "Sec. 9. RCW 18.52.130 and 1991 c 3 s 121 are each amended to read  
13 as follows:

14 The secretary may issue a nursing home administrator's license to  
15 anyone who holds a current administrator's license from another  
16 jurisdiction upon receipt of an application fee ((determined by the  
17 secretary as provided in RCW 43.70.250)) and an annual license fee,  
18 ((the secretary may issue a nursing home administrator's license,  
19 without examination, to any person who holds a current license as a  
20 nursing home administrator from another jurisdiction: PROVIDED, That  
21 the board finds that)) as provided in RCW 43.70.250, if the standards  
22 for licensing in such other jurisdiction are ((at least the  
23 substantial)) substantially equivalent ((of)) to those prevailing in  
24 this state, and that the applicant is otherwise qualified((. In the  
25 event that there is developed a nationally recognized standard for the  
26 licensing of nursing home administrators which is in fact utilized in  
27 licensing procedures on a reasonably uniform basis the board may by  
28 rule or regulation provide for granting reciprocal licensing on a  
29 showing of compliance with such standard)) as determined by the board."

1       **"Sec. 10.** RCW 18.52.140 and 1970 ex.s. c 57 s 14 are each amended  
2 to read as follows:

3       It shall be unlawful and constitute a gross misdemeanor for any  
4 person to act or serve in the capacity of a nursing home administrator  
5 unless he or she is the holder of a nursing home administrator's  
6 license issued in accordance with the provisions of this chapter:  
7 PROVIDED HOWEVER, That persons carrying out functions and duties  
8 delegated by a licensed administrator as defined in RCW 18.52.030 shall  
9 not be construed to be committing any unlawful act under this chapter."

10       "NEW SECTION. **Sec. 11.** The following acts or parts of acts are  
11 each repealed:

12       (1) RCW 18.52.060 and 1991 c 3 s 117, 1984 c 287 s 40, 1979 c 158  
13 s 45, 1975-'76 2nd ex.s. c 34 s 38, & 1970 ex.s. c 57 s 6;

14       (2) RCW 18.52.100 and 1991 c 3 s 119, 1987 c 150 s 33, 1977 ex.s.  
15 c 243 s 4, & 1970 ex.s. c 57 s 10; and

16       (3) RCW 18.52.170 and 1970 ex.s. c 57 s 19."

17       "NEW SECTION. **Sec. 12.** RCW 18.52.070 and 1991 c 3 s 118, 1984  
18 c 279 s 65, 1977 ex.s. c 243 s 2, 1975 1st ex.s. c 30 s 52, & 1970  
19 ex.s. c 57 s 7 are each repealed, effective July 1, 1993."

20 **SHB 1258** - S COMM AMD

21 By Committee on Health & Long-Term Care

22 ADOPTED 3/6/92

23 On page 1, line 1 of the title, after "administration;" strike the  
24 remainder of the title and insert "amending RCW 18.52.020, 18.52.030,  
25 18.52.040, 18.52.050, 18.52.110, 18.52.130, and 18.52.140; adding new  
26 sections to chapter 18.52 RCW; and repealing RCW 18.52.060, 18.52.100,  
27 18.52.170, and 18.52.070."