
HOUSE BILL 1258

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Day, Moyer, Prentice, Braddock, Paris and Orr; by request of Department of Health.

Read first time January 23, 1991. Referred to Committee on Health Care.

1 AN ACT Relating to nursing home administration; amending RCW
2 18.52.020, 18.52.030, 18.52.040, 18.52.050, 18.52.110, 18.52.130, and
3 18.52.140; adding new sections to chapter 18.52 RCW; and repealing RCW
4 18.52.060, 18.52.100, 18.52.170, and 18.52.070.

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

6 **Sec. 1.** RCW 18.52.020 and 1979 c 158 s 44 are each amended to read
7 as follows:

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

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

14 (2) (~~("Director" means the director of licensing)~~) "Department"
15 means the department of health.

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

3 (4) "Nursing home administrator" means an individual in active
4 administrative charge, as defined by the board, of a nursing home(~~s as~~
5 ~~defined herein, whether or not having an ownership interest in such~~
6 ~~homes, and although functions and duties may be shared with or~~
7 ~~delegated to other persons: PROVIDED HOWEVER, That nothing in this~~
8 ~~definition or this chapter shall be construed to prevent any person, so~~
9 ~~long as he is otherwise qualified, from obtaining and maintaining a~~
10 ~~license even though he has not administered or does not continue to~~
11 ~~administer a nursing home~~)).

12 (5) "Secretary" means the secretary of health or the secretary's
13 designee.

14 NEW SECTION. Sec. 2. A new section is added to chapter 18.52 RCW
15 to read as follows:

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

18 (1) To set all fees required in this chapter in accordance with RCW
19 43.70.250 which may include fees for approval of continuing education,
20 supervision of practical experience, all applications, verification,
21 renewal, examination, and late penalties;

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

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

1 (4) To employ clerical, administrative, and investigative staff as
2 needed to implement and administer this chapter and to employ
3 individuals including those licensed under this chapter to serve as
4 examiners or consultants as necessary to implement and administer this
5 chapter; and

6 (5) To maintain the official department record of all applicants
7 and licensees.

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

10 ~~((On or after July 1, 1970))~~ Nursing homes operating within this
11 state ((must)) shall be under the active, overall administrative charge
12 and supervision of an on-site administrator licensed as provided in
13 this chapter. ((An administrator may delegate functions and duties to
14 other persons.)) No person acting in any capacity, unless ~~((he is))~~
15 the holder of a nursing home administrator's license issued under this
16 chapter, shall be charged with the overall responsibility to make
17 decisions or direct actions involved in managing the internal operation
18 of a nursing home, except as specifically delegated in writing by the
19 administrator to identify a responsible person to act on the
20 administrator's behalf when the administrator is absent during the
21 administrator's normal working hours. The administrator shall review
22 the decisions upon the administrator's return and amend the decisions
23 if necessary.

24 **Sec. 4.** RCW 18.52.040 and 1975 1st ex.s. c 97 s 1 are each
25 amended to read as follows:

26 ~~((There is hereby created a))~~ The state board of ((examiners for))
27 nursing home administrators ((which)) shall consist of nine members
28 appointed by the governor. ((All members shall be representative of

1 the professions and institutions concerned with the care and treatment
2 of chronically ill or infirm elderly patients. However, at no time
3 shall representatives of a single profession or a single institutional
4 category compose a majority of the board membership. In addition, no
5 member who is a noninstitutional representative shall have any direct
6 financial interest in nursing homes while serving as a member of the
7 board. For purposes of this section, nursing home administrators are
8 considered representatives of institutions. Eight of the board's
9 members shall be privately or self-employed persons who the governor
10 finds have had at least four years of actual experience in the
11 administration or overall management of licensed nursing homes in this
12 state immediately prior to the governor's appointment of them to the
13 board; or shall be representatives from the medical professions, or
14 health care administration education, or persons with four years actual
15 experience in the administration of the nursing home unit of a licensed
16 hospital immediately preceding the governor's appointment of them to
17 the board; and shall be privately or self-employed persons, or persons
18 employed by educational institutions, whom the governor appoints
19 because of their special knowledge or expertise in the field of long
20 term care or the care of the aged and chronically ill: PROVIDED, That
21 one member shall be a citizen eligible for medicare who shall have no
22 financial interest in or family ownership connection with nursing
23 homes. Board members selected who meet any of the preceding
24 qualifications may in addition be nurses, physicians or other persons
25 with special health care training.)) Four members shall be persons
26 licensed under this chapter who have at least four years actual
27 experience in the administration of a licensed nursing home in this
28 state immediately preceding appointment to the board and who are not
29 employed by the state or federal government.

1 Four members shall be representatives of the health care
2 professions providing medical or nursing services in nursing homes who
3 are privately or self-employed; or shall be persons employed by
4 educational institutions who have special knowledge or expertise in the
5 field of health care administration, health care education or long-term
6 care or both, or care of the aged and chronically ill.

7 One member shall be a citizen eligible for medicare. No member who
8 is a nonadministrator representative shall have any direct or family
9 financial interest in nursing homes while serving as a member of the
10 board. The governor shall consult with and seek the recommendations of
11 the appropriate state-wide business and professional organizations and
12 societies primarily concerned with long term health care facilities in
13 the course of considering his appointments to the board. Board members
14 presently serving shall continue to serve until the expiration of their
15 appointments.

16 **Sec. 5.** RCW 18.52.050 and 1970 ex.s. c 57 s 5 are each amended to
17 read as follows:

18 Members of the board shall be citizens of the United States and
19 residents of this state. ~~((Except for the initial appointments to the~~
20 ~~first board,))~~ All administrator members of the board shall be holders
21 of licenses under this chapter. ((Three members of the board shall be
22 appointed initially for terms of three years, three members shall be
23 appointed for terms of two years, and three members shall be appointed
24 for terms of one year. Thereafter)) The terms of all members shall be
25 ((three)) five years. ((Members of the board may be removed by the
26 governor for cause after appropriate notice and hearing.)) Any board
27 member may be removed for just cause including a finding of fact of
28 unprofessional conduct or impaired practice. The governor may appoint
29 a new member to fill any vacancy on the board for the remainder of the

1 unexpired term. No board member may serve more than two consecutive
2 terms, whether full or partial. Board members shall serve until their
3 successors are appointed. Board members shall be compensated in
4 accordance with RCW 43.03.240 and shall be reimbursed for travel
5 expenses as provided in RCW 43.03.050 and 43.03.060. The board may
6 elect annually a chair and vice-chair to direct the meetings of the
7 board. The board shall meet at least four times each year and may hold
8 additional meetings as called by the secretary or the chair.

9 NEW SECTION. Sec. 6. A new section is added to chapter 18.52 RCW
10 to read as follows:

11 In addition to any authority provided by law, the board shall have
12 the following authority:

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

15 (2) To determine the minimum education and experience requirements
16 for licensure, including but not limited to approval of educational
17 programs;

18 (3) To prepare and administer or approve the preparation and
19 administration of examinations for licensure;

20 (4) To conduct a hearing on an appeal of a denial of license based
21 on the applicant's failure to meet the minimum qualifications for
22 licensure. The hearing shall be conducted pursuant to chapter 34.05
23 RCW;

24 (5) To establish by rule the procedures for an appeal of an
25 examination failure;

26 (6) To adopt rules implementing a continuing competency program;

27 (7) To issue subpoenas, statements of charges, statements of intent
28 to deny licenses, and orders, and to delegate in writing to a designee
29 to issue subpoenas; and

1 (8) To issue temporary license permits under circumstances defined
2 by the board.

3 NEW SECTION. **Sec. 7.** A new section is added to chapter 18.52 RCW
4 to read as follows:

5 On or after July 1, 1992, the department shall issue a license to
6 any applicant for nursing home administrator's licensure who meets the
7 following requirements:

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

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

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

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

19 (5) Not having engaged in unprofessional conduct as defined in RCW
20 18.130.180 or being unable to practice with reasonable skill and safety
21 as defined in RCW 18.130.170. The board shall establish by rule what
22 constitutes adequate proof of meeting the above requirements.

23 A limited license indicating the limited extent of authority to
24 administer institutions certified by such church or denomination
25 teaching religious or spiritual means for healing through prayer, shall
26 be issued to individuals demonstrating membership in such church or
27 denomination. However, nothing in this chapter shall be construed to
28 require an applicant certified by any well established and generally
29 recognized church or religious denomination teaching reliance on

1 spiritual means alone to demonstrate proficiency in any medical
2 techniques or to meet any medical educational qualifications or medical
3 standards not in accord with the remedial care and treatment provided
4 in such institutions.

5 **Sec. 8.** RCW 18.52.110 and 1984 c 279 s 69 are each amended to read
6 as follows:

7 (1) Every holder of a nursing home administrator's license shall
8 reregister (~~((it annually with the director))~~) on dates specified by the
9 (~~((director by making application for reregistration on forms provided
10 by the director))~~) secretary. Such (~~((reregistration))~~) relicensure shall
11 be granted (~~((automatically))~~) upon receipt of a fee determined by the
12 (~~((director))~~) secretary as provided in RCW (~~((43.24.086))~~) 43.70.250, and
13 upon fulfilling the continuing education requirement. In the event
14 that any license is not reregistered (~~((within thirty days after the
15 date for reregistration specified by the director))~~), the (~~((director
16 shall, in accordance with rules prescribed by the board, give notice to
17 the license holder, and))~~) secretary may (~~((thereafter in accordance with
18 rules prescribed by the board))~~) charge up to double the (~~((normal
19 reregistration))~~) relicensure fee. In the event that the license of an
20 individual is not (~~((reregistered))~~) relicensed within two years from the
21 most recent date for (~~((reregistration))~~) relicensure it shall lapse and
22 such individual must again apply for licensing and meet all
23 requirements of this chapter for a new applicant. The board may
24 prescribe rules for maintenance of a license at a reduced fee for
25 temporary or permanent withdrawal or retirement from the active
26 practice of nursing home administration.

27 (2) A condition of (~~((reregistration))~~) relicensure shall be the
28 presentation of proof by the applicant that (~~((he has attended the
29 number of classroom hours of approved educational programs, classes,~~

1 seminars, or proceedings set by the board. The board shall have the
2 power to approve programs, classes, seminars, or proceedings offered in
3 this state or elsewhere by any accredited institution of higher
4 learning or any national or local group or society if such programs,
5 classes, seminars, or proceedings are reasonably related to the
6 administration of nursing homes. The board shall establish rules and
7 regulations providing that the applicant for reregistration may present
8 such proofs yearly, or may obtain the cumulative number of required
9 hours over a three year period and present such proofs over periods of
10 three years. In no event shall the number of classroom hours required
11 for any time period exceed the number of such board approved classroom
12 hours reasonably available over such time period on an adult or
13 continuing education basis to nonmatriculating participants in this
14 state.

15 (3) An individual may obtain and reregister a license under this
16 chapter although he does not actively engage in nursing home
17 administration. The licensee shall meet requirements set by the board
18 to ensure the individual's continued competency)) the board requirement
19 for continuing education related to the administration of nursing homes
20 has been met.

21 **Sec. 9.** RCW 18.52.130 and 1985 c 7 s 50 are each amended to read
22 as follows:

23 The secretary may issue a nursing home administrator's license to
24 anyone who holds a current administrator's license from another
25 jurisdiction upon receipt of an application fee ((determined by the
26 director as provided in RCW 43.24.086)) and an annual license fee,
27 ((the director may issue a nursing home administrator's license,
28 without examination, to any person who holds a current license as a
29 nursing home administrator from another jurisdiction)) as provided in

1 RCW 43.70.250: PROVIDED, (~~(That the board finds))~~ That the standards
2 for licensing in such other jurisdiction are (~~(at least the))~~
3 substantially equivalent (~~(of))~~ to those prevailing in this state, and
4 that the applicant is otherwise qualified as determined by the board.
5 (~~(In the event that there is developed a nationally recognized standard~~
6 ~~for the licensing of nursing home administrators which is in fact~~
7 ~~utilized in licensing procedures on a reasonably uniform basis the~~
8 ~~board may by rule or regulation provide for granting reciprocal~~
9 ~~licensing on a showing of compliance with such standard.))~~)

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

12 It shall be unlawful and constitute a gross misdemeanor for any
13 person to act or serve in the capacity of a nursing home administrator
14 unless he or she is the holder of a nursing home administrator's
15 license issued in accordance with the provisions of this chapter:
16 PROVIDED HOWEVER, That persons carrying out functions and duties
17 delegated by a licensed administrator as defined in RCW 18.52.030 shall
18 not be construed to be committing any unlawful act under this chapter.

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

21 (1) RCW 18.52.060 and 1984 c 287 s 40, 1979 c 158 s 45, 1975-'76
22 2nd ex.s. c 34 s 38, & 1970 ex.s. c 57 s 6;

23 (2) RCW 18.52.100 and 1987 c 150 s 33, 1977 ex.s. c 243 s 4, & 1970
24 ex.s. c 57 s 10; and

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

26 NEW SECTION. **Sec. 12.** RCW 18.52.070 and 1984 c 279 s 65, 1977
27 ex.s. c 243 s 2, 1975 1st ex.s. c 30 s 52, & 1970 ex.s. c 57 s 7 are

1 each repealed, effective July 1, 1992.