
SUBSTITUTE SENATE BILL 5548

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators L. Smith and West).

Read first time March 6, 1991.

1 AN ACT Relating to adult family homes; amending RCW 70.128.010 and
2 70.128.060; and declaring an emergency.

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

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6 **Sec. 1.** RCW 70.128.010 and 1989 c 427 s 16 are each amended to
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Adult family home" means a regular family abode of a person or
11 persons who are providing personal care, room, and board to more than
12 one but not more than four adults who are not related by blood or
13 marriage to the person or persons providing the services; except that
14 a maximum of six adults may be permitted if the department determines
15 that the home is of adequate size and that the home and the provider
16 are capable of meeting standards and qualifications as provided for in
17 this act.

1 (2) "Provider" means any person who is licensed under this chapter
2 to operate an adult family home. The provider shall reside at the
3 adult family home, except that exceptions may be authorized by the
4 department (~~for good cause, as defined in rule~~) if the provider
5 complies with the provisions of RCW 70.128.060(5) or was licensed as a
6 nonresident provider before the effective date of this section.

7 (3) "Department" means the department of social and health
8 services.

9 (4) "Resident" means an adult in need of personal or special care
10 in an adult family home who is not related to the provider.

11 (5) "Adults" means persons who have attained the age of eighteen
12 years.

13 (6) "Home" means an adult family home.

14 (7) "Imminent danger" means serious physical harm to or death of a
15 resident has occurred, or there is a serious threat to resident life,
16 health, or safety.

17 (8) "Special care" means care beyond personal care as defined by
18 the department, in rule.

19
20 **Sec. 2.** RCW 70.128.060 and 1989 c 427 s 20 are each amended to
21 read as follows:

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

25 (2) The department shall issue a license to an adult family home if
26 the department finds that the applicant and the home are in compliance
27 with this chapter and the rules adopted under this chapter; and that
28 the applicant has no prior violations of this chapter relating to the
29 adult family home subject to the application or any other adult family
30 home, or of any other law regulating residential care facilities within

1 the past five years that resulted in revocation or nonrenewal of a
2 license.

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

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

10 (5) A provider shall not be licensed for more than one adult family
11 home. (~~Exceptions may be authorized by the department for good cause,~~
12 ~~as defined in rule~~) The department may except from this requirement
13 providers that deliver services to victims of acquired immunodeficiency
14 syndrome (AIDS), or developmentally disabled persons, or persons whose
15 physicians have stated a prognosis of terminal illness with less than
16 six months to live, or persons who are chronically mentally ill and are
17 enrolled in community support or residential services under chapter
18 71.24 RCW, or traumatic brain injured adults. However, no more than
19 three licenses may be issued to a provider. Providers licensed as
20 multiple facility ownership of adult family homes before the effective
21 date of this section are exempt from this subsection. The department
22 shall submit to appropriate committees of the legislature, by December
23 1, 1991, a report on the number and type of good cause exceptions
24 granted.

25 (6) The license fee shall be set at fifty dollars per year for each
26 home. A fifty dollar processing fee shall also be charged each home
27 when the home is initially licensed.

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29 NEW SECTION. Sec. 3. This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and shall take
2 effect immediately.