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SENATE BILL 5548

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State of Washington

52nd Legislature

1991 Regular Session

By Senators L. Smith and West.

Read first time February 6, 1991. Referred to Committee on Health & Long-Term Care.

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.

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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 or traumatic brain injured  
15 adults. However, no more than three licenses may be issued to a  
16 provider. Providers licensed as multiple facility ownership of adult  
17 family homes before the effective date of this section are exempt from  
18 this subsection. The department shall submit to appropriate committees  
19 of the legislature, by December 1, 1991, a report on the number and  
20 type of good cause exceptions granted.

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

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25 NEW SECTION. Sec. 3. This act is necessary for the immediate  
26 preservation of the public peace, health, or safety, or support of the  
27 state government and its existing public institutions, and shall take  
28 effect immediately.