
SUBSTITUTE SENATE BILL 5799

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators McDonald, Wojahn, Cantu and West)

Read first time 03/01/95.

1 AN ACT Relating to adult family home licensing and operation; and
2 amending RCW 70.128.005, 70.128.010, 70.128.040, 70.128.060,
3 70.128.120, and 70.128.130.

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

5 **Sec. 1.** RCW 70.128.005 and 1989 c 427 s 14 are each amended to
6 read as follows:

7 The legislature finds that adult family homes are an important part
8 of the state's long-term care system. Adult family homes provide an
9 alternative to institutional care and promote a high degree of
10 independent living for residents. The legislature further finds that
11 different populations living in adult family homes, such as the
12 developmentally disabled and the elderly, often have significantly
13 different needs and capacities from one another.

14 It is the legislature's intent that department rules and policies
15 relating to the licensing and operation of adult family homes recognize
16 and accommodate the different needs and capacities of the various
17 populations served by the homes.

1 **Sec. 2.** RCW 70.128.010 and 1989 c 427 s 16 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

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

13 (2) "Provider" means any person who is licensed under this chapter
14 to operate an adult family home. (~~(The provider shall reside at the~~
15 ~~adult family home, except that exceptions may be authorized by the~~
16 ~~department for good cause, as defined in rule.)~~) For the purposes of
17 this section, "person" means any individual, partnership, corporation,
18 association, or limited liability company.

19 (3) "Department" means the department of social and health
20 services.

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

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

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

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

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

31 **Sec. 3.** RCW 70.128.040 and 1989 c 427 s 18 are each amended to
32 read as follows:

33 (1) The department shall adopt rules and standards with respect to
34 (~~(all)~~) adult family homes and the operators thereof to be licensed
35 under this chapter to carry out the purposes and requirements of this
36 chapter. The rules and standards relating to applicants and operators
37 shall address the differences between individual providers and
38 providers that are partnerships, corporations, associations, or

1 companies. The rules and standards shall also recognize and be
2 appropriate to the different needs and capacities of the various
3 populations served by adult family homes such as the developmentally
4 disabled and the elderly. In developing rules and standards the
5 department shall recognize the residential family-like nature of adult
6 family homes and not develop rules and standards which by their
7 complexity serve as an overly restrictive barrier to the development of
8 the adult family homes in the state. Procedures and forms established
9 by the department shall be developed so they are easy to understand and
10 comply with. Paper work requirements shall be minimal. Easy to
11 understand materials shall be developed for ~~((homes))~~ applicants and
12 providers explaining licensure requirements and procedures.

13 (2) In developing the rules and standards, the department shall
14 consult with all divisions and administrations within the department
15 serving the various populations living in adult family homes, including
16 the division of developmental disabilities and the aging and adult
17 services administration. Involvement by the divisions and
18 administration shall be for the purposes of assisting the department to
19 develop rules and standards appropriate to the different needs and
20 capacities of the various populations served by adult family homes.
21 During the initial stages of development of proposed rules, the
22 department shall provide notice of development of the rules to
23 organizations representing adult family homes and their residents, and
24 other groups that the department finds appropriate. The notice shall
25 state the subject of the rules under consideration and solicit written
26 recommendations regarding their form and content.

27 (3) Except where provided otherwise, chapter 34.05 RCW shall govern
28 all department rule-making and adjudicative activities under this
29 chapter.

30 **Sec. 4.** RCW 70.128.060 and 1989 c 427 s 20 are each amended to
31 read as follows:

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

35 (2) The department shall issue a license to an adult family home if
36 the department finds that the applicant and the home are in compliance
37 with this chapter and the rules adopted under this chapter~~((i—and~~
38 ~~that))~~, unless (a) the applicant has ~~((no))~~ prior violations of this

1 chapter relating to the adult family home subject to the application or
2 any other adult family home, or of any other law regulating residential
3 care facilities within the past five years that resulted in revocation
4 or nonrenewal of a license; or (b) the applicant has a history of
5 significant noncompliance with federal, state, or local laws, rules, or
6 regulations relating to the provision of care or services to vulnerable
7 adults or to children.

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

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

15 (5) A provider that is an individual shall not be licensed for more
16 than ~~((one))~~ two adult family homes, unless an exception is authorized
17 by the department for good cause, as defined by rule. ~~((Exceptions may~~
18 ~~be))~~ A provider that is a partnership, corporation, association, or
19 company shall not be licensed for more than eight adult family homes,
20 unless an exception is authorized by the department for good cause, as
21 defined in rule. ~~((The department shall submit to appropriate~~
22 ~~committees of the legislature, by December 1, 1991, a report on the~~
23 ~~number and type of good cause exceptions granted.))~~

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

27 **Sec. 5.** RCW 70.128.120 and 1989 c 427 s 24 are each amended to
28 read as follows:

29 (1) An adult family home provider shall have the following minimum
30 qualifications:

31 ~~((+1))~~ (a) Twenty-one years of age or older;

32 ~~((+2))~~ (b) Good moral and responsible character and reputation;

33 ~~((+3))~~ (c) Literacy; and

34 ~~((+4))~~ (d) Management and administrative ability to carry out the
35 requirements of this chapter.

36 (2) If an adult family home provider is a partnership, corporation,
37 association, or company, it must meet the following minimum
38 qualifications:

1 (a) Be current and in compliance with all federal, state, and local
2 requirements relating to the applicable form of business entity;

3 (b) Management and administrative ability to carry out the
4 requirements of this chapter, including the ability to employ or
5 contract with a qualified resident manager who possesses the minimum
6 qualifications set forth in subsection (1) of this section.

7 (3) The department shall adopt rules relating to the eligibility
8 and qualifications of multiple-facility providers.

9 **Sec. 6.** RCW 70.128.130 and 1989 c 427 s 26 are each amended to
10 read as follows:

11 (1) Adult family homes shall be maintained internally and
12 externally in good repair and condition. Such homes shall have safe
13 and functioning systems for heating, cooling, hot and cold water,
14 electricity, plumbing, garbage disposal, sewage, cooking, laundry,
15 artificial and natural light, ventilation, and any other feature of the
16 home.

17 (2) Adult family homes shall be maintained in a clean and sanitary
18 manner, including proper sewage disposal, food handling, and hygiene
19 practices.

20 (3) Adult family homes shall develop a fire drill plan for
21 emergency evacuation of residents, shall have smoke detectors in each
22 bedroom where a resident is located, shall have fire extinguishers on
23 each floor of the home, and shall not keep nonambulatory patients above
24 the first floor of the home.

25 (4) Adult family homes shall have clean, functioning, and safe
26 household items and furnishings.

27 (5) Adult family homes shall provide a nutritious and balanced diet
28 and shall recognize residents' needs for special diets.

29 (6) Adult family homes shall establish health care procedures for
30 the care of residents including medication administration and emergency
31 medical care.

32 (a) Adult family home residents shall be permitted to self-
33 administer medications.

34 (b) Adult family home providers may administer medications and
35 deliver special care only to the extent that the provider is a licensed
36 health care professional for whom the administration of medications is
37 within the scope of practice under Washington law.

1 (7) Adult family home providers shall either: (a) Reside at the
2 adult family home; or (b) employ or otherwise contract with a qualified
3 resident manager to reside at the adult family home. The department
4 may exempt, for good cause, a provider from the requirements of this
5 subsection by rule.

--- END ---