

2 **HB 2410 - H AMD 1027 ADOPTED 3-3-98**

3 By Representative Dyer

4

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

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 18.20 RCW
8 to read as follows:

9 (1) Powers and duties regarding boarding homes, previously assigned
10 under this chapter to the department of health and to the secretary of
11 health, are by this section transferred to the department of social and
12 health services and to the secretary of social and health services,
13 respectively. This section further provides that, regarding boarding
14 homes, all references within the Revised Code of Washington to the
15 department of health and to the secretary of health mean the department
16 of social and health services and the secretary of social and health
17 services, respectively.

18 (2)(a) The department of health shall deliver to the department of
19 social and health services all reports, documents, surveys, books,
20 records, data, files, papers, and written material pertaining to
21 boarding homes and the powers, functions, and duties transferred by
22 this section. The department of health shall make available to the
23 department of social and health services all cabinets, furniture,
24 office equipment, motor vehicles, and other tangible property employed
25 by the department of health in carrying out the powers, functions, and
26 duties transferred by this section. The department of health shall
27 assign to the department of social and health services all funds,
28 credits, and other assets that the department of health possesses in
29 connection with the power, functions, and duties transferred by this
30 section.

31 (b) On the effective date of this section, the department of health
32 shall transfer to the department of social and health services any
33 appropriations and license fees made to or possessed by the department
34 of health for carrying out the powers, functions, and duties
35 transferred by this section.

1 (c) When a question arises regarding the transfer of personnel,
2 funds, books, documents, records, papers, files, equipment, or other
3 tangible property used or held in the exercise of the powers,
4 functions, and duties transferred by this section, the director of
5 financial management shall determine the proper allocation and shall
6 certify that determination to the state agencies concerned.

7 (3) The department of social and health services shall continue and
8 shall act upon all rules and pending business before the department of
9 health pertaining to the powers, functions, and duties transferred by
10 this section.

11 (4) The transfer of powers, functions, duties, and personnel from
12 the department of health to the department of social and health
13 services, as mandated by this section, will not affect the validity of
14 any act performed by the department of health regarding boarding homes
15 before the effective date of this section.

16 (5) If apportionments of budgeted funds are required because of the
17 transfers mandated by this section, the director of financial
18 management shall certify the apportionments to the agencies affected,
19 the state auditor, and the state treasurer. Each of these shall make
20 the necessary transfers and adjustments in funds, appropriation
21 accounts, and equipment records in accordance with the certification.

22 (6) Nothing contained in this section alters any existing
23 collective bargaining unit or the provisions of any existing collective
24 bargaining agreement until the agreement expires or until the
25 bargaining unit is modified by action of the personnel board as
26 provided by law.

27 **Sec. 2.** RCW 18.20.020 and 1991 c 3 s 34 are each amended to read
28 as follows:

29 As used in this chapter:

30 (1) "Aged person" means a person of the age sixty-five years or
31 more, or a person of less than sixty-five years who by reason of
32 infirmity requires domiciliary care.

33 (2) "Boarding home" means any home or other institution, however
34 named, which is advertised, announced or maintained for the express or
35 implied purpose of providing board and domiciliary care to three or
36 more aged persons not related by blood or marriage to the operator. It
37 shall not include facilities certified as group training homes pursuant
38 to RCW 71A.22.040, nor any home, institution or section thereof which

1 is otherwise licensed and regulated under the provisions of state law
2 providing specifically for the licensing and regulation of such home,
3 institution or section thereof. Nor shall it include any independent
4 senior housing, independent living units in continuing care retirement
5 communities, or other similar living situations including those
6 subsidized by the department of housing and urban development.

7 (3) "Person" means any individual, firm, partnership, corporation,
8 company, association, or joint stock association, and the legal
9 successor thereof.

10 (4) "Secretary" means the secretary of social and health services.

11 (5) "Department" means the state department of social and health
12 services.

13 (6) "Authorized department" means any city, county, city-county
14 health department or health district authorized by the secretary ((of
15 health)) to carry out the provisions of this chapter.

16 **Sec. 3.** RCW 18.20.190 and 1995 1st sp.s. c 18 s 18 are each
17 amended to read as follows:

18 (1) The department of social and health services is authorized to
19 take one or more of the actions listed in subsection (2) of this
20 section in any case in which the department finds that a boarding home
21 provider has:

22 (a) Failed or refused to comply with the requirements of this
23 chapter or the rules adopted under this chapter;

24 (b) Operated a boarding home without a license or under a revoked
25 license;

26 (c) Knowingly, or with reason to know, made a false statement of
27 material fact on his or her application for license or any data
28 attached thereto, or in any matter under investigation by the
29 department; or

30 (d) Willfully prevented or interfered with any inspection or
31 investigation by the department.

32 (2) When authorized by subsection (1) of this section, the
33 department may take one or more of the following actions:

34 (a) Refuse to issue a license;

35 (b) Impose reasonable conditions on a license, such as correction
36 within a specified time, training, and limits on the type of clients
37 the provider may admit or serve;

1 (c) Impose civil penalties of not more than one hundred dollars per
2 day per violation;

3 (d) Suspend, revoke, or refuse to renew a license; or

4 (e) Suspend admissions to the boarding home by imposing stop
5 placement.

6 (3) When the department orders stop placement, the facility shall
7 not admit any new resident until the stop placement order is
8 terminated. The department may approve readmission of a resident to
9 the facility from a hospital or nursing home during the stop placement.
10 The department shall terminate the stop placement when: (a) The
11 violations necessitating the stop placement have been corrected; and
12 (b) the provider exhibits the capacity to maintain adequate care and
13 service.

14 (4) Chapter 34.05 RCW applies to department actions under this
15 section, except that orders of the department imposing license
16 suspension, stop placement, or conditions for continuation of a license
17 are effective immediately upon notice and shall continue pending any
18 hearing.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.20 RCW
20 to read as follows:

21 The secretary may adopt rules and policies as necessary to entitle
22 the state to participate in federal funding programs and opportunities
23 and to facilitate state and federal cooperation in programs under the
24 department's jurisdiction. The secretary shall ensure that any
25 internal reorganization carried out under the terms of this chapter
26 complies with prerequisites for the receipt of federal funding for the
27 various programs under the department's control. When interpreting any
28 department-related section or provision of law susceptible to more than
29 one interpretation, the secretary shall construe that section or
30 provision in the manner most likely to comply with federal laws and
31 rules entitling the state to receive federal funds for the various
32 programs of the department. If any law or rule dealing with the
33 department is ruled to be in conflict with federal prerequisites to the
34 allocation of federal funding to the state, the department, or its
35 agencies, the secretary shall declare that law or rule inoperative
36 solely to the extent of the conflict.

1 NEW SECTION. **Sec. 5.** (1) The governor shall establish a joint
2 legislative and executive task force on long-term care, safety,
3 quality, and oversight. The joint task force shall consist of seven
4 members. The governor shall appoint three members that include: (a)
5 The secretary of the department of social and health services or his or
6 her designee; (b) the secretary of the department of health or his or
7 her designee; and (c) the state long-term care ombudsman. Four
8 legislative members shall serve on the joint task force as ex officio
9 members and include: Two members of the senate appointed by the
10 president of the senate, one of whom shall be a member of the majority
11 caucus and one whom shall be a member of the minority caucus; and two
12 members of the house of representatives appointed by the speaker of the
13 house of representatives, one of whom shall be a member of the majority
14 caucus and one whom shall be a member of the minority caucus. Primary
15 staff assistance to the joint task force shall be provided by the
16 office of financial management with assistance, as directed by
17 legislative members, by the health care committee of the house of
18 representatives office of program research and the senate health and
19 long-term care committee of senate committee services.

20 (2) The joint task force shall elect a chair and vice-chair. The
21 chair shall serve a one-year term as the chair of the joint task force.
22 The following year, the previously elected vice-chair shall serve as
23 the chair of the joint task force and a new vice-chair shall be elected
24 by the members of the joint task force.

25 (3) The joint task force shall have the ability to create advisory
26 committees and appoint individuals from a variety of disciplines and
27 perspectives including patient and resident advocates, to assist the
28 joint task force with specific issues related to chapter . . . , Laws of
29 1998 (this act).

30 (4) The joint task force may hold meetings, including hearings, to
31 receive public testimony, which shall be open to the public in
32 accordance with law. Records of the joint task force shall be subject
33 to public disclosure in accordance with law. Members shall not receive
34 compensation, but may be reimbursed for travel expenses as authorized
35 under RCW 43.03.050 and 43.03.060. Advisory committee members, if
36 appointed, shall not receive compensation or reimbursement for travel
37 or expenses.

38 (5) The joint task force shall:

1 (a) Review all long-term care quality and safety standards for all
2 long-term care facilities and services developed, revised, and enforced
3 by the department of social and health services;

4 (b) In cooperation with aging and adult services, the division of
5 developmental disabilities, and the division of mental health and the
6 department of health, develop recommendations to simplify, strengthen,
7 reduce, or eliminate rules, procedures, and burdensome paperwork that
8 prove to be barriers to providing the highest standard of client
9 safety, effective quality of care, effective client protections, and
10 effective coordination of direct services;

11 (c) Review the need for reorganization and reform of long-term care
12 administration and service delivery, including administration and
13 services provided for the aged, for those with mental health needs, and
14 for the developmentally disabled, and recommend the establishment of a
15 single long-term care department or a division of long-term care within
16 the department of social and health services;

17 (d) Suggest cost-effective methods for reallocating funds to unmet
18 needs in direct services;

19 (e) List all nonmeans tested programs and activities funded by the
20 federal older Americans act and state-funded senior citizens act or
21 other such state-funded programs, and recommend methods for integrating
22 such services into existing long-term care programs for the
23 functionally disabled;

24 (f) Suggest methods to establish a single point of entry for
25 service eligibility and delivery for all functionally disabled persons;

26 (g) Evaluate the need for long-term care training and review all
27 long-term care training and education programs conducted by the
28 department of social and health services, and suggest modifications to
29 enhance client safety, to create greater access to training through the
30 use of innovative technology, to reduce training costs, to improve
31 coordination of training between the appropriate divisions and
32 departments and, to enhance the overall uniformity of the long-term
33 care training system;

34 (h) Evaluate the current system used by the department of social
35 and health services for placement of functionally disabled clients,
36 including aging, mentally ill, and developmentally disabled persons,
37 into long-term care settings and services and assess the capacity of
38 each long-term care service or setting to appropriately meet the health

1 and safety needs of functionally disabled clients or residents referred
2 to each service or setting; and

3 (i) Evaluate the need for uniform client assessments for
4 determining functional long-term care needs of all persons who receive
5 state-funded, long-term care services; and

6 (j) Evaluate the success of the transfer of boarding home
7 responsibilities outlined in chapter . . . , Laws of 1998 (this act) and
8 recommend if any further administrative changes should be made.

9 (6) The joint task force shall report its initial findings and
10 recommendations to the governor and appropriate committees of the
11 legislature by January 1, 1999. The joint task force shall report its
12 final findings and recommendations to the governor and appropriate
13 committees of the legislature by December 12, 1999.

14 NEW SECTION. **Sec. 6.** The sum of fifty thousand dollars, or as
15 much thereof as may be necessary, is appropriated for the fiscal year
16 ending June 30, 1999, from the general fund to the office of financial
17 management solely for the purposes of implementing section 5 of this
18 act.

19 NEW SECTION. **Sec. 7.** Sections 1 through 4 of this act take effect
20 July 1, 1998, and expire July 15, 1999, unless reauthorized by the
21 legislature. Section 5 of this act takes effect July 1, 1998, and
22 expires December 12, 1999.

23 NEW SECTION. **Sec. 8.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected."

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30 On page 1, line 1 of the title, after "homes;" strike the remainder
31 of the title and insert "amending RCW 18.20.020 and 18.20.190; adding
32 new sections to chapter 18.20 RCW; creating a new section; making an

1 appropriation; providing effective dates; providing a contingent
2 expiration date; and providing an expiration date."

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