

2 **2SSB 6544 - H AMD 1081 ADOPTED 3-5-98**

3 By Representative Backlund

4

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

7 NEW SECTION. **Sec. 1.** The legislature finds that many residents  
8 of long-term care facilities and recipients of in-home personal care  
9 services are exceptionally vulnerable and their health and well-being  
10 are heavily dependent on their caregivers. The legislature further  
11 finds that the quality of staff in long-term care facilities is often  
12 the key to good care. The need for well-trained staff and well-managed  
13 facilities is growing as the state's population ages and the acuity of  
14 the health care problems of residents increases. In order to better  
15 protect and care for residents, the legislature directs that the  
16 minimum training standards be reviewed for management and caregiving  
17 staff, including those serving residents with special needs, such as  
18 mental illness, dementia, or a developmental disability, that  
19 management and caregiving staff receive appropriate training, and that  
20 the training delivery system be improved.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.20 RCW  
22 to read as follows:

23 (1) The department of social and health services shall review, in  
24 coordination with the department of health, the nursing care quality  
25 assurance commission, adult family home providers, boarding home  
26 providers, in-home personal care providers, and long-term care  
27 consumers and advocates, training standards for administrators and  
28 resident caregiving staff. The departments and the commission shall  
29 submit to the appropriate committees of the house of representatives  
30 and the senate by December 1, 1998, specific recommendations on  
31 training standards and the delivery system, including necessary  
32 statutory changes and funding requirements. Any proposed enhancements  
33 shall be consistent with this section, shall take into account and not  
34 duplicate other training requirements applicable to boarding homes and  
35 staff, and shall be developed with the input of boarding home and

1 resident representatives, health care professionals, and other vested  
2 interest groups. Training standards and the delivery system shall be  
3 relevant to the needs of residents served by the boarding home and  
4 recipients of long-term in-home personal care services and shall be  
5 sufficient to ensure that administrators and caregiving staff have the  
6 skills and knowledge necessary to provide high quality, appropriate  
7 care.

8 (2) The recommendations on training standards and the delivery  
9 system developed under subsection (1) of this section shall be based on  
10 a review and consideration of the following: Quality of care;  
11 availability of training; affordability, including the training costs  
12 incurred by the department of social and health services and private  
13 providers; portability of existing training requirements; competency  
14 testing; practical and clinical course work; methods of delivery of  
15 training; standards for management and caregiving staff training; and  
16 necessary enhancements for special needs populations and resident  
17 rights training. Residents with special needs include, but are not  
18 limited to, residents with a diagnosis of mental illness, dementia, or  
19 developmental disability.

20 (3) The department of social and health services shall report to  
21 the appropriate committees of the house of representatives and the  
22 senate by December 1, 1998, on the cost of implementing the proposed  
23 training standards for state-funded residents, and on the extent to  
24 which that cost is covered by existing state payment rates.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.128 RCW  
26 to read as follows:

27 (1) The department of social and health services shall review, in  
28 coordination with the department of health, the nursing care quality  
29 assurance commission, adult family home providers, boarding home  
30 providers, in-home personal care providers, and long-term care  
31 consumers and advocates, training standards for providers, resident  
32 managers, and resident caregiving staff. The departments and the  
33 commission shall submit to the appropriate committees of the house of  
34 representatives and the senate by December 1, 1998, specific  
35 recommendations on training standards and the delivery system,  
36 including necessary statutory changes and funding requirements. Any  
37 proposed enhancements shall be consistent with this section, shall take  
38 into account and not duplicate other training requirements applicable

1 to adult family homes and staff, and shall be developed with the input  
2 of adult family home and resident representatives, health care  
3 professionals, and other vested interest groups. Training standards  
4 and the delivery system shall be relevant to the needs of residents  
5 served by the adult family home and recipients of long-term in-home  
6 personal care services and shall be sufficient to ensure that  
7 providers, resident managers, and caregiving staff have the skills and  
8 knowledge necessary to provide high quality, appropriate care.

9 (2) The recommendations on training standards and the delivery  
10 system developed under subsection (1) of this section shall be based on  
11 a review and consideration of the following: Quality of care;  
12 availability of training; affordability, including the training costs  
13 incurred by the department of social and health services and private  
14 providers; portability of existing training requirements; competency  
15 testing; practical and clinical course work; methods of delivery of  
16 training; standards for management; uniform caregiving staff training;  
17 necessary enhancements for special needs populations; and resident  
18 rights training. Residents with special needs include, but are not  
19 limited to, residents with a diagnosis of mental illness, dementia, or  
20 developmental disability. Development of training recommendations for  
21 developmental disabilities services shall be coordinated with the study  
22 requirements in section 5 of this act.

23 (3) The department of social and health services shall report to  
24 the appropriate committees of the house of representatives and the  
25 senate by December 1, 1998, on the cost of implementing the proposed  
26 training standards for state-funded residents, and on the extent to  
27 which that cost is covered by existing state payment rates.

28 **Sec. 4.** RCW 70.128.070 and 1995 1st sp.s. c 18 s 22 are each  
29 amended to read as follows:

30 (1) ~~((A license shall be valid for one year.~~

31 ~~(2) At least sixty days prior to expiration of the license, the~~  
32 ~~provider shall submit an application for renewal of a license. The~~  
33 ~~department shall send the provider an application for renewal prior to~~  
34 ~~this time. The department shall have the authority to investigate any~~  
35 ~~information included in the application for renewal of a license.~~

36 ~~(3))~~ A license shall remain valid unless voluntarily surrendered,  
37 suspended, or revoked in accordance with this chapter.

1       (2)(a) Homes applying for a license shall be inspected at the time  
2 of licensure.

3       (b) Homes licensed by the department shall be inspected at least  
4 every eighteen months, subject to available funds.

5       (c) The department may make an unannounced inspection of a licensed  
6 home at any time to assure that the home and provider are in compliance  
7 with this chapter and the rules adopted under this chapter.

8       ~~((+4))~~ (3) If the department finds that the home is not in  
9 compliance with this chapter, it shall require the home to correct any  
10 violations as provided in this chapter. ~~((If the department finds that  
11 the home is in compliance with this chapter and the rules adopted under  
12 this chapter, the department shall renew the license of the home.))~~

13       **Sec. 5.** RCW 70.129.030 and 1997 c 386 s 31 are each amended to  
14 read as follows:

15       (1) The facility must inform the resident both orally and in  
16 writing in a language that the resident understands of his or her  
17 rights and all rules and regulations governing resident conduct and  
18 responsibilities during the stay in the facility. The notification  
19 must be made prior to or upon admission. Receipt of the information  
20 must be acknowledged in writing.

21       (2) The resident or his or her legal representative has the right:

22       (a) Upon an oral or written request, to access all records  
23 pertaining to himself or herself including clinical records within  
24 twenty-four hours; and

25       (b) After receipt of his or her records for inspection, to purchase  
26 at a cost not to exceed the community standard photocopies of the  
27 records or portions of them upon request and two working days' advance  
28 notice to the facility.

29       (3) The facility shall only admit or retain individuals whose needs  
30 it can safely and appropriately serve in the facility with appropriate  
31 available staff and through the provision of reasonable accommodations  
32 required by state or federal law. Except in cases of genuine  
33 emergency, the facility shall not admit an individual before obtaining  
34 a thorough assessment of the resident's needs and preferences. The  
35 assessment shall contain, unless unavailable despite the best efforts  
36 of the facility, the resident applicant, and other interested parties,  
37 the following minimum information: Recent medical history; necessary  
38 and contraindicated medications; a licensed medical or other health

1 professional's diagnosis, unless the individual objects for religious  
2 reasons; significant known behaviors or symptoms that may cause concern  
3 or require special care; mental illness, except where protected by  
4 confidentiality laws; level of personal care needs; activities and  
5 service preferences; and preferences regarding other issues important  
6 to the resident applicant, such as food and daily routine.

7 (4) The facility must inform each resident in writing in a language  
8 the resident or his or her representative understands before~~((, or at~~  
9 ~~the time of))~~ admission, and at least once every twenty-four months  
10 thereafter of: (a) Services, items, and activities customarily  
11 available in the facility or arranged for by the facility as permitted  
12 by the facility's license; (b) charges for those services, items, and  
13 activities including charges for services, items, and activities not  
14 covered by the facility's per diem rate or applicable public benefit  
15 programs; and (c) the rules of facility operations required under RCW  
16 70.129.140(2). Each resident and his or her representative must be  
17 informed in writing in advance of changes in the availability or the  
18 charges for services, items, or activities, or of changes in the  
19 facility's rules. Except in emergencies, thirty days' advance notice  
20 must be given prior to the change. However, for facilities licensed  
21 for six or fewer residents, if there has been a substantial and  
22 continuing change in the resident's condition necessitating  
23 substantially greater or lesser services, items, or activities, then  
24 the charges for those services, items, or activities may be changed  
25 upon fourteen days' advance written notice.

26 ~~((+4))~~ (5) The facility must furnish a written description of  
27 residents rights that includes:

28 (a) A description of the manner of protecting personal funds, under  
29 RCW 70.129.040;

30 (b) A posting of names, addresses, and telephone numbers of the  
31 state survey and certification agency, the state licensure office, the  
32 state ombudsmen program, and the protection and advocacy systems; and

33 (c) A statement that the resident may file a complaint with the  
34 appropriate state licensing agency concerning alleged resident abuse,  
35 neglect, and misappropriation of resident property in the facility.

36 ~~((+5))~~ (6) Notification of changes.

37 (a) A facility must immediately consult with the resident's  
38 physician, and if known, make reasonable efforts to notify the

1 resident's legal representative or an interested family member when  
2 there is:

3 (i) An accident involving the resident which requires or has the  
4 potential for requiring physician intervention;

5 (ii) A significant change in the resident's physical, mental, or  
6 psychosocial status (i.e., a deterioration in health, mental, or  
7 psychosocial status in either life-threatening conditions or clinical  
8 complications).

9 (b) The facility must promptly notify the resident or the  
10 resident's representative shall make reasonable efforts to notify an  
11 interested family member, if known, when there is:

12 (i) A change in room or roommate assignment; or

13 (ii) A decision to transfer or discharge the resident from the  
14 facility.

15 (c) The facility must record and update the address and phone  
16 number of the resident's representative or interested family member,  
17 upon receipt of notice from them.

18 NEW SECTION. **Sec. 6.** The division of developmental disabilities  
19 in the department of social and health services, in coordination with  
20 advocacy, self-advocacy, and provider organizations, shall review  
21 administrator and resident caregiver staff training standards for  
22 agency contracted supported living services, including intensive tenant  
23 support, tenant support, supportive living, and in-home personal care  
24 services for children. The division and the advocates shall coordinate  
25 specialty training recommendations with the larger study group  
26 referenced in sections 2(1) and 3(1) of this act and submit specific  
27 recommendations on training standards, including necessary statutory  
28 changes and funding requirements to the appropriate committees of the  
29 house of representatives and the senate by December 1, 1998.

30 **Sec. 7.** RCW 70.128.060 and 1995 c 260 s 4 are each amended to read  
31 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, unless (a)

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

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

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

16 (5) The department shall not issue a license to a provider if the  
17 department finds that the provider or any partner, officer, director,  
18 managerial employee, or owner of five percent or more if the provider  
19 has a history of significant noncompliance with federal or state  
20 regulations, rules, or laws in providing care or services to vulnerable  
21 adults or to children.

22 (6) The department shall license an adult family home for the  
23 maximum level of care that the adult family home may provide. The  
24 department shall define, in rule, license levels based upon the  
25 education, training, and caregiving experience of the licensed provider  
26 or staff.

27 (7) The department shall establish, by rule, standards used to  
28 license nonresident providers and multiple facility operators.

29 (8) The department shall establish, by rule, for multiple facility  
30 operators educational standards substantially equivalent to recognized  
31 national certification standards for residential care administrators.

32 (9) The license fee shall be set at fifty dollars per year for each  
33 home. The licensing fee is due each year within thirty days of the  
34 anniversary date of the license. A fifty dollar processing fee shall  
35 also be charged each home when the home is initially licensed.

36 NEW SECTION. **Sec. 8.** A new section is added to chapter 18.48 RCW  
37 to read as follows:

1 Adult family homes have developed rapidly in response to the health  
2 and social needs of the aging population in community settings,  
3 especially as the aging population has increased in proportion to the  
4 general population. The growing demand for elder care with a new focus  
5 on issues affecting senior citizens, including persons with  
6 developmental disabilities, mental illness, or dementia, has prompted  
7 a growing professionalization of adult family home providers to address  
8 quality care and quality of life issues consistent with standards of  
9 accountability and regulatory safeguards for the health and safety of  
10 the residents. The establishment of an advisory committee to the  
11 department of health and the department of social and health services  
12 under section 9 of this act formalizes a stable process for discussing  
13 and considering these issues among residents and their advocates,  
14 regulatory officials, and adult family home providers. The dialogue  
15 among all stakeholders interested in maintaining a healthy option for  
16 the aging population in community settings assures the highest regard  
17 for the well-being of these residents within a benign and functional  
18 regulatory environment.

19 NEW SECTION. **Sec. 9.** A new section is added to chapter 18.48 RCW  
20 to read as follows:

21 (1) The secretary, in consultation with the secretary of social and  
22 health services, shall appoint an advisory committee on matters  
23 relating to the regulation, administrative rules, enforcement process,  
24 staffing, and training requirements of adult family homes. The  
25 advisory committee shall be composed of six members, of which two  
26 members shall be resident advocates, three members shall represent  
27 adult family home providers, and one member shall represent the public  
28 and serve as chair. The members shall generally represent the  
29 interests of aging residents, residents with dementia, residents with  
30 mental illness, and residents with developmental disabilities  
31 respectively. Members representing adult family home providers must  
32 have at least two years' experience as licensees. The membership must  
33 generally reflect urban and rural areas and western and eastern parts  
34 of the state. A member may not serve more than two consecutive terms.

35 (2) The secretary may remove a member of the advisory committee for  
36 cause as specified by rule adopted by the department. If there is a  
37 vacancy, the secretary shall appoint a member to serve for the  
38 remainder of the unexpired term.



1 (3) The advisory committee shall meet at the times and places  
2 designated by the secretary and shall hold meetings during the year as  
3 necessary to provide advice to the secretary on matters relating to the  
4 regulation of adult family homes. A majority of the members may  
5 request a meeting of the committee for any express purpose directly  
6 related to the regulation of adult family homes. A majority of members  
7 currently serving shall constitute a quorum.

8 (4) Establishment of the advisory committee shall not prohibit the  
9 department of health from utilizing other advisory activities that the  
10 department of health deems necessary for program development.

11 (5) Each member of the advisory committee shall serve without  
12 compensation but may be reimbursed for travel expenses as authorized in  
13 RCW 43.03.060.

14 (6) The secretary, members of the advisory committee, or  
15 individuals acting on their behalf are immune from civil liability for  
16 official acts performed in the course of their duties.

17 NEW SECTION. **Sec. 10.** A new section is added to chapter 70.128  
18 RCW to read as follows:

19 Adult family homes have developed rapidly in response to the health  
20 and social needs of the aging population in community settings,  
21 especially as the aging population has increased in proportion to the  
22 general population. The growing demand for elder care with a new focus  
23 on issues affecting senior citizens, including persons with  
24 developmental disabilities, mental illness, or dementia, has prompted  
25 a growing professionalization of adult family home providers to address  
26 quality care and quality of life issues consistent with standards of  
27 accountability and regulatory safeguards for the health and safety of  
28 the residents. The establishment of an advisory committee to the  
29 department of health and the department of social and health services  
30 under section 9 of this act formalizes a stable process for discussing  
31 and considering these issues among residents and their advocates,  
32 regulatory officials, and adult family home providers. The dialogue  
33 among all stakeholders interested in maintaining a healthy option for  
34 the aging population in community settings assures the highest regard  
35 for the well-being of these residents within a benign and functional  
36 regulatory environment. The secretary shall be advised by an advisory  
37 committee on adult family homes established under section 9 of this  
38 act.

1 Establishment of the advisory committee shall not prohibit the  
2 department of social and health services from utilizing other advisory  
3 activities that the department of social and health services deems  
4 necessary for program development.

5 NEW SECTION. **Sec. 11.** Section 5 of this act takes effect July 1,  
6 1998."

7 **2SSB 6544** - H AMD  
8 By Representative Backlund

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10 On page 1, line 1 of the title, after "care;" strike the remainder  
11 of the title and insert "amending RCW 70.128.070, 70.129.030, and  
12 70.128.060; adding a new section to chapter 18.20 RCW; adding new  
13 sections to chapter 70.128 RCW; adding new sections to chapter 18.48  
14 RCW; creating new sections; and providing an effective date."

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