

2 SSB 6551 - S AMD - 773
3 By Senators Horn and Haugen

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

7 "Sec. 1. RCW 18.20.050 and 1987 c 75 s 3 are each amended to read
8 as follows:

9 Upon receipt of an application for license, if the applicant and
10 the boarding home facilities meet the requirements established under
11 this chapter, the department shall notify the city within which the
12 boarding home is proposed to be licensed. The applicant for the
13 boarding home license shall in the construction review process of the
14 project comply with all applicable building codes established by the
15 state building code council. The city shall notify the department
16 within ninety days of initial notification if the project does not
17 comply with local zoning, building, and housing codes and appropriate
18 fire safety regulations. The city and the applicant shall attempt to
19 reach agreement as to the mutual accommodations necessary to ameliorate
20 the impacts, if any, of the operation of the boarding home within the
21 city's limits. If an agreement is not reached within a time period
22 determined by the applicant in his or her sole discretion, the
23 applicant shall prepare a memorandum for inclusion in the department's
24 file and for distribution to the city explaining why the location was
25 chosen, and why the applicant could not satisfy the city's stated
26 concerns, if any, with regard to mutual accommodations necessary to
27 ameliorate the impacts. Upon completion and distribution of the
28 memorandum of justification of location, the department or the
29 department and the authorized health department jointly, shall issue a
30 license. If there is a failure to comply with the provisions of this
31 chapter or the standards(~~(7)~~) and rules(~~(7) and regulations~~
32 promulgated)) adopted pursuant thereto, the department, or the
33 department and authorized health department, may in its discretion
34 issue to an applicant for a license, or for the renewal of a license,
35 a provisional license which will permit the operation of the boarding
36 home for a period to be determined by the department, or the department

1 and authorized health department, but not to exceed twelve months,
2 which provisional license shall not be subject to renewal. At the time
3 of the application for or renewal of a license or provisional license
4 the licensee shall pay a license fee as established by the department
5 under RCW 43.20B.110. When the license or provisional license is
6 issued jointly by the department and authorized health department, the
7 license fee shall be paid to the authorized health department. All
8 licenses issued under the provisions of this chapter shall expire on a
9 date to be set by the department, but no license issued pursuant to
10 this chapter shall exceed twelve months in duration: PROVIDED, That
11 when the annual license renewal date of a previously licensed boarding
12 home is set by the department on a date less than twelve months prior
13 to the expiration date of a license in effect at the time of
14 reissuance, the license fee shall be prorated on a monthly basis and a
15 credit be allowed at the first renewal of a license for any period of
16 one month or more covered by the previous license. All applications
17 for renewal of license shall be made not later than thirty days prior
18 to the date of expiration of the license. Each license shall be issued
19 only for the premises and persons named in the application, and no
20 license shall be transferable or assignable. Licenses shall be posted
21 in a conspicuous place on the licensed premises.

22 **Sec. 2.** RCW 70.128.060 and 1995 c 260 s 4 are each amended to read
23 as follows:

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

27 (2) The department shall notify the city within which the adult
28 family home is proposed to be licensed. The city shall contact the
29 applicant within thirty days of notification if the city wants to
30 discuss the impacts of the operation of the adult family home. If the
31 city determines that the applicant is not in compliance with RCW
32 70.128.140, the city shall notify the department within ninety days of
33 initial notification. The city and the applicant shall attempt to
34 reach agreement as to the mutual accommodations necessary to ameliorate
35 the impacts, if any, of the operation of the adult family home within
36 the city's limits. If an agreement is not reached within a time period
37 determined by the applicant in his or her sole discretion, the
38 applicant shall prepare a memorandum for inclusion in the department's

1 file and for distribution to the city explaining why the location was
2 chosen, and why the applicant could not satisfy the city's stated
3 concerns, if any, with regard to mutual accommodations necessary to
4 ameliorate the impacts. Upon completion and distribution of the
5 memorandum of justification of location, the department shall issue a
6 license to an adult family home if the department finds that the
7 applicant and the home are in compliance with this chapter and the
8 rules adopted under this chapter, unless (a) the applicant has prior
9 violations of this chapter relating to the adult family home subject to
10 the application or any other adult family home, or of any other law
11 regulating residential care facilities within the past five years that
12 resulted in revocation or nonrenewal of a license; or (b) the applicant
13 has a history of significant noncompliance with federal, state, or
14 local laws, rules, or regulations relating to the provision of care or
15 services to vulnerable adults or to children.

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

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

23 (5) The department shall not issue a license to a provider if the
24 department finds that the provider or any partner, officer, director,
25 managerial employee, or owner of five percent or more if the provider
26 has a history of significant noncompliance with federal or state
27 regulations, rules, or laws in providing care or services to vulnerable
28 adults or to children.

29 (6) The department shall license an adult family home for the
30 maximum level of care that the adult family home may provide. The
31 department shall define, in rule, license levels based upon the
32 education, training, and caregiving experience of the licensed provider
33 or staff.

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

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

1 (9) The license fee shall be set at fifty dollars per year for each
2 home. A fifty dollar processing fee shall also be charged each home
3 when the home is initially licensed."

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7 On page 1, line 1 of the title, after "homes;" strike the remainder
8 of the title and insert "and amending RCW 18.20.050 and 70.128.060."

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