
HOUSE BILL 1958

State of Washington 55th Legislature 1997 Regular Session

By Representatives Sherstad, Cody and Zellinsky

Read first time 02/14/97. Referred to Committee on Health Care.

1 AN ACT Relating to maintaining market forces and consumer choice in
2 boarding home care; amending RCW 74.39A.010, 74.39A.070, and
3 74.39A.080; adding a new section to chapter 74.39A RCW; and repealing
4 RCW 74.39A.020.

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

6 **Sec. 1.** RCW 74.39A.010 and 1995 1st sp.s. c 18 s 14 are each
7 amended to read as follows:

8 (1) To the extent of available funding, the department of social
9 and health services may ~~((contract with licensed))~~ place medicaid
10 eligible individuals in boarding homes licensed under chapter 18.20 RCW
11 and tribally licensed boarding homes ~~((for assisted living services and~~
12 ~~enhanced adult residential care. The department shall develop rules~~
13 ~~for facilities that contract with the department for assisted living~~
14 ~~services or enhanced adult residential care to establish:~~

15 ~~(a) Facility service standards consistent with the principles in~~
16 ~~RCW 74.39A.050 and consistent with chapter 70.129 RCW;~~

17 ~~(b) Standards for resident living areas consistent with RCW~~
18 ~~74.39A.030;~~

19 ~~(c) Training requirements for providers and their staff)).~~

1 (2) (~~The department's rules shall provide that services in~~
2 ~~assisted living and enhanced adult residential care:~~

3 ~~(a) Recognize individual needs, privacy, and autonomy;~~

4 ~~(b) Include, but not be limited to, personal care, nursing~~
5 ~~services, medication administration, and supportive services that~~
6 ~~promote independence and self-sufficiency;~~

7 ~~(c) Are of sufficient scope to assure that each resident who~~
8 ~~chooses to remain in the assisted living or enhanced adult residential~~
9 ~~care may do so, to the extent that the care provided continues to be~~
10 ~~cost-effective and safe and promote the most appropriate level of~~
11 ~~physical, mental, and psychosocial well-being consistent with client~~
12 ~~choice;~~

13 ~~(d) Are directed first to those persons most likely, in the absence~~
14 ~~of enhanced adult residential care or assisted living services, to need~~
15 ~~hospital, nursing facility, or other out-of-home placement; and~~

16 ~~(e) Are provided in compliance with applicable facility and~~
17 ~~professional licensing laws and rules.~~

18 (3) ~~When a facility contracts with the department for assisted~~
19 ~~living services or enhanced adult residential care, only services and~~
20 ~~facility standards that are provided to or in behalf of the assisted~~
21 ~~living services or enhanced adult residential care client shall be~~
22 ~~subject to the department's rules)) (a) A boarding home licensed under~~

23 chapter 18.20 RCW or tribally licensed is eligible to accept medicaid
24 residents. All homes desiring to accept medicaid residents shall be
25 placed upon a list that must be made available to the prospective
26 resident, resident's family, or guardian or other interested party, and
27 the resident, family member, or guardian may contact the boarding home
28 and arrange a visit. If the resident is not capable of visiting or
29 chooses not to, and no other person is available to visit on the
30 prospective resident's behalf, the department case manager may choose
31 a boarding home.

32 (b) Once a boarding home is chosen, the case manager shall call or
33 visit the boarding home to discuss specific care needs for the
34 prospective resident. The boarding home may accept or decline the
35 placement. The resident or guardian shall sign and abide by the same
36 agreement as all other residents of the boarding home, including
37 discharge agreement.

38 (c) After placement, the case manager shall visit the resident from
39 time to time and discuss the resident's care with the staff of the

1 boarding home. If the case manager and staff agree that the placement
2 continues to be appropriate, the resident may remain in the boarding
3 home. If the staff or case manager believes the placement is no longer
4 appropriate, the department shall move the resident within forty-five
5 days unless a new agreement is negotiated. If the case manager
6 concludes the resident's immediate health or safety is at risk, the
7 department may take immediate action to remove the resident and shall
8 furnish the boarding home with a detailed written explanation for its
9 action within five working days.

10 NEW SECTION. Sec. 2. A new section is added to chapter 74.39A RCW
11 to read as follows:

12 The department may create categories of need solely for the purpose
13 of defining payment levels for residents it places in boarding homes.
14 The categories and their definitions and payment standards must be
15 developed in rule under chapter 34.05 RCW.

16 **Sec. 3.** RCW 74.39A.070 and 1995 1st sp.s. c 18 s 16 are each
17 amended to read as follows:

18 ~~((1) The department shall, by rule, establish reasonable minimum~~
19 ~~qualifications and training requirements to assure that assisted living~~
20 ~~service, enhanced adult residential care service, and adult residential~~
21 ~~care providers with whom the department contracts are capable of~~
22 ~~providing services consistent with this chapter. The rules shall apply~~
23 ~~only to residential capacity for which the state contracts.~~

24 ~~(2))~~ The department shall not contract for ~~((assisted living,~~
25 ~~enhanced adult residential care, or adult residential care services~~
26 ~~with a provider))~~ care with a boarding home if the department finds
27 that the ~~((provider))~~ boarding home or any partner, officer, director,
28 managerial employee, or owner of five percent or more of the provider
29 has a history of significant noncompliance with federal or state
30 regulations, rules, or laws in providing care or services to vulnerable
31 adults or to children.

32 **Sec. 4.** RCW 74.39A.080 and 1996 c 193 s 1 are each amended to read
33 as follows:

34 (1) The department ~~((is authorized to take one or more of the~~
35 ~~actions listed in subsection (2) of this section in any case in which~~
36 ~~the department finds that a provider of assisted living services, adult~~

1 residential care services, or enhanced adult residential care services
2 has:

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

5 (b) Operated without a license or under a revoked license;

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

10 (d) Willfully prevented or interfered with any inspection or
11 investigation by the department.

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

14 (a) Refuse to issue a contract;

15 (b) Impose reasonable conditions on a contract, such as correction
16 within a specified time, training, and limits on the type of clients
17 the provider may admit or serve;

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

20 (d) Suspend, revoke, or refuse to renew a contract; or

21 (e) Suspend admissions to the facility by imposing stop placement
22 on contracted services.

23 (3) When the department orders stop placement, the facility shall
24 not admit any person admitted by contract until the stop placement
25 order is terminated. The department may approve readmission of a
26 resident to the facility from a hospital or nursing home during the
27 stop placement. The department shall terminate the stop placement
28 when: (a) The violations necessitating the stop placement have been
29 corrected; and (b) the provider exhibits the capacity to maintain
30 adequate care and service.

31 (4) Chapter 34.05 RCW applies to department actions under this
32 section, except that orders of the department imposing contracts
33 suspension, stop placement, or conditions for continuation of a
34 contract are effective immediately upon notice and shall continue
35 pending any hearing.)) shall report to the department of health any
36 noncompliance with chapter 18.20 RCW observed by employees in the
37 course of their duty.

1 (2) The department of health shall make an immediate inspection
2 based on any complaint from an employee of the department of social and
3 health services.

4 NEW SECTION. Sec. 5. RCW 74.39A.020 and 1995 1st sp.s. c 18 s 15
5 are each repealed.

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