
HOUSE BILL 2410

State of Washington

55th Legislature

1998 Regular Session

By Representative Dyer

Read first time 01/13/98. Referred to Committee on Health Care.

1 AN ACT Relating to the administration of boarding homes; amending
2 RCW 18.20.020 and 18.20.190; adding new sections to chapter 18.20 RCW;
3 and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.20 RCW
6 to read as follows:

7 The legislature finds that dual oversight of boarding homes by the
8 department of health and by the department of social and health
9 services has consistently confused residents of those facilities, their
10 family members, and the staff of those facilities. The legislature
11 further finds that the dual oversight has resulted in inconsistent,
12 inefficient monitoring of the quality of and the safety within boarding
13 homes. The legislature intends to eliminate the inefficiency caused by
14 dual oversight of boarding homes and to increase the safety and quality
15 of boarding homes by assigning oversight responsibilities for boarding
16 homes solely to the department of social and health services.

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

1 (1) Powers and duties regarding boarding homes, previously assigned
2 under this chapter to the department of health and to the secretary of
3 health, are by this section transferred to the department of social and
4 health services and to the secretary of social and health services
5 respectively. This section further provides that, regarding boarding
6 homes, all references within the Revised Code of Washington to the
7 department of health and to the secretary of health mean the department
8 of social and health services and the secretary of social and health
9 services respectively.

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

23 (b) On the effective date of this section, the department of health
24 shall transfer to the department of social and health services any
25 appropriations and license fees made to or possessed by the department
26 of health for carrying out the powers, functions, and duties
27 transferred by this section.

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

34 (3) The department of social and health services shall continue and
35 shall act upon all rules and pending business before the department of
36 health pertaining to the powers, functions, and duties transferred by
37 this section.

38 (4) The transfer of powers, functions, duties, and personnel from
39 the department of health to the department of social and health

1 services, as mandated by this section, will not affect the validity of
2 any act performed by the department of health regarding boarding homes
3 before the effective date of this section.

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

10 (6) Nothing contained in this section alters any existing
11 collective bargaining unit or the provisions of any existing collective
12 bargaining agreement until the agreement expires or until the
13 bargaining unit is modified by action of the personnel board as
14 provided by law.

15 **Sec. 3.** RCW 18.20.020 and 1991 c 3 s 34 are each amended to read
16 as follows:

17 As used in this chapter:

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

21 (2) "Boarding home" means any home or other institution, however
22 named, which is advertised, announced or maintained for the express or
23 implied purpose of providing board and domiciliary care to three or
24 more aged persons not related by blood or marriage to the operator. It
25 shall not include facilities certified as group training homes pursuant
26 to RCW 71A.22.040, nor any home, institution or section thereof which
27 is otherwise licensed and regulated under the provisions of state law
28 providing specifically for the licensing and regulation of such home,
29 institution or section thereof. Nor shall it include any independent
30 senior housing, independent living units in continuing care retirement
31 communities, or other similar living situations including those
32 subsidized by the department of housing and urban development.

33 (3) "Person" means any individual, firm, partnership, corporation,
34 company, association, or joint stock association, and the legal
35 successor thereof.

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

37 (5) "Department" means the state department of social and health
38 services.

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

4 **Sec. 4.** RCW 18.20.190 and 1995 1st sp.s. c 18 s 18 are each
5 amended to read as follows:

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

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

12 (b) Operated a boarding home without a license or under a revoked
13 license;

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

18 (d) Willfully prevented or interfered with any inspection or
19 investigation by the department.

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

22 (a) Refuse to issue a license;

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

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

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

29 (e) Suspend admissions to the boarding home by imposing stop
30 placement.

31 (3) When the department orders stop placement, the facility shall
32 not admit any new resident until the stop placement order is
33 terminated. The department may approve readmission of a resident to
34 the facility from a hospital or nursing home during the stop placement.
35 The department shall terminate the stop placement when: (a) The
36 violations necessitating the stop placement have been corrected; and
37 (b) the provider exhibits the capacity to maintain adequate care and
38 service.

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

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.20 RCW
7 to read as follows:

8 The secretary may adopt rules and policies as necessary to entitle
9 the state to participate in federal funding programs and opportunities
10 and to facilitate state and federal cooperation in programs under the
11 department's jurisdiction. The secretary shall ensure that any
12 internal reorganization carried out under the terms of this chapter
13 complies with prerequisites for the receipt of federal funding for the
14 various programs under the department's control. When interpreting any
15 department-related section or provision of law susceptible to more than
16 one interpretation, the secretary shall construe that section or
17 provision in the manner most likely to comply with federal laws and
18 rules entitling the state to receive federal funds for the various
19 programs of the department. If any law or rule dealing with the
20 department is ruled to be in conflict with federal prerequisites to the
21 allocation of federal funding to the state, the department, or its
22 agencies, the secretary shall declare that law or rule inoperative
23 solely to the extent of the conflict.

24 NEW SECTION. **Sec. 6.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

28 NEW SECTION. **Sec. 7.** This act takes effect January 1, 1999.

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