
SUBSTITUTE SENATE BILL 6551

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Horn, McCaslin, Deccio, Prentice and Haugen)

Read first time 02/06/98.

1 AN ACT Relating to siting of boarding and adult family homes; and
2 amending RCW 18.20.050 and 70.128.060.

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

4 **Sec. 1.** RCW 18.20.050 and 1987 c 75 s 3 are each amended to read
5 as follows:

6 Upon receipt of an application for license, if the applicant and
7 the boarding home facilities meet the requirements established under
8 this chapter, the department shall notify the city within which the
9 boarding home is proposed to be licensed. The department, city, and
10 applicant shall attempt to reach agreement as to the mutual
11 accommodations necessary to ameliorate the impacts, if any, of the
12 operation of the boarding home within the city's limits. If an
13 agreement is not reached within a time period determined by the
14 applicant in his or her sole discretion, the department shall prepare
15 a memorandum for inclusion in the department's file and for
16 distribution to the city and the applicant explaining why the license
17 was granted for the chosen location. Upon completion and distribution
18 of the memorandum of justification of location, the department or the
19 department and the authorized health department jointly, shall issue a

1 license. If there is a failure to comply with the provisions of this
2 chapter or the standards(~~(7)~~) and rules(~~(7) and regulations~~
3 ~~promulgated~~) adopted pursuant thereto, the department, or the
4 department and authorized health department, may in its discretion
5 issue to an applicant for a license, or for the renewal of a license,
6 a provisional license which will permit the operation of the boarding
7 home for a period to be determined by the department, or the department
8 and authorized health department, but not to exceed twelve months,
9 which provisional license shall not be subject to renewal. At the time
10 of the application for or renewal of a license or provisional license
11 the licensee shall pay a license fee as established by the department
12 under RCW 43.20B.110. When the license or provisional license is
13 issued jointly by the department and authorized health department, the
14 license fee shall be paid to the authorized health department. All
15 licenses issued under the provisions of this chapter shall expire on a
16 date to be set by the department, but no license issued pursuant to
17 this chapter shall exceed twelve months in duration: PROVIDED, That
18 when the annual license renewal date of a previously licensed boarding
19 home is set by the department on a date less than twelve months prior
20 to the expiration date of a license in effect at the time of
21 reissuance, the license fee shall be prorated on a monthly basis and a
22 credit be allowed at the first renewal of a license for any period of
23 one month or more covered by the previous license. All applications
24 for renewal of license shall be made not later than thirty days prior
25 to the date of expiration of the license. Each license shall be issued
26 only for the premises and persons named in the application, and no
27 license shall be transferable or assignable. Licenses shall be posted
28 in a conspicuous place on the licensed premises.

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

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

34 (2) The department shall notify the city within which the adult
35 family home is proposed to be licensed. The department, city, and
36 applicant shall attempt to reach agreement as to the mutual
37 accommodations necessary to ameliorate the impacts, if any, of the
38 operation of the adult family home within the city's limits. If an

1 agreement is not reached within a time period determined by the
2 applicant in his or her sole discretion, the department shall prepare
3 a memorandum for inclusion in the department's file and for
4 distribution to the city and the applicant explaining why the license
5 was granted for the chosen location. Upon completion and distribution
6 of the memorandum of justification of location, the department shall
7 issue a license to an adult family home if the department finds that
8 the applicant and the home are in compliance with this chapter and the
9 rules adopted under this chapter, unless (a) the applicant has prior
10 violations of this chapter relating to the adult family home subject to
11 the application or any other adult family home, or of any other law
12 regulating residential care facilities within the past five years that
13 resulted in revocation or nonrenewal of a license; or (b) the applicant
14 has a history of significant noncompliance with federal, state, or
15 local laws, rules, or regulations relating to the provision of care or
16 services to vulnerable adults or to children.

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

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

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

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

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

37 (8) The department shall establish, by rule, for multiple facility
38 operators educational standards substantially equivalent to recognized
39 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.

--- END ---