
SENATE BILL 6551

State of Washington

55th Legislature

1998 Regular Session

By Senators Horn, McCaslin, Deccio, Prentice and Haugen

Read first time 01/21/98. Referred to Committee on Health & Long-Term Care.

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 located. The department, city, and
10 applicant shall attempt to reach agreement as to the siting of the
11 boarding home within the city's limits. If an agreement is not reached
12 within a time period determined by the applicant in his or her sole
13 discretion, the department shall prepare a memorandum for inclusion in
14 the department's file and for distribution to the city and the
15 applicant justifying why the location was chosen. Upon completion and
16 distribution of the memorandum of justification of location, the
17 department or the department and the authorized health department
18 jointly, shall issue a license. If there is a failure to comply with
19 the provisions of this chapter or the standards((7)) and rules((7)and

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

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

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

32 (2) The department shall notify the city within which the adult
33 family home is proposed to be located. The department, city, and
34 applicant shall attempt to reach agreement as to the siting of the
35 adult family home within the city's limits. If an agreement is not
36 reached within a time period determined by the applicant in his or her
37 sole discretion, the department shall prepare a memorandum for
38 inclusion in the department's file and for distribution to the city and

1 the applicant justifying why the location was chosen. Upon completion
2 and distribution of the memorandum of justification of location, the
3 department shall issue a license to an adult family home if the
4 department finds that the applicant and the home are in compliance with
5 this chapter and the rules adopted under this chapter, unless (a) the
6 applicant has prior violations of this chapter relating to the adult
7 family home subject to the application or any other adult family home,
8 or of any other law regulating residential care facilities within the
9 past five years that resulted in revocation or nonrenewal of a license;
10 or (b) the applicant has a history of significant noncompliance with
11 federal, state, or local laws, rules, or regulations relating to the
12 provision of care or services to vulnerable adults or to children.

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

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

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

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

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

33 (8) The department shall establish, by rule, for multiple facility
34 operators educational standards substantially equivalent to recognized
35 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 ---