

2 **ESHB 2380** - S AMD - 277
3 By Senator Thibaudeau

4 ADOPTED 3/7/00

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

7 "Sec. 1. RCW 18.20.020 and 1998 c 272 s 14 are each amended to
8 read as follows:

9 As used in this chapter:

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

13 (2) "Boarding home" means any home or other institution, however
14 named, which is advertised, announced, or maintained for the express or
15 implied purpose of providing board and domiciliary care to ~~((three))~~
16 seven or more aged persons not related by blood or marriage to the
17 operator. ~~((It))~~ However, a boarding home that is licensed to provide
18 board and domiciliary care to three to six persons on the effective
19 date of this act may maintain its boarding home license as long as it
20 is continually licensed as a boarding home. "Boarding home" shall not
21 include facilities certified as group training homes pursuant to RCW
22 71A.22.040, nor any home, institution or section thereof which is
23 otherwise licensed and regulated under the provisions of state law
24 providing specifically for the licensing and regulation of such home,
25 institution or section thereof. Nor shall it include any independent
26 senior housing, independent living units in continuing care retirement
27 communities, or other similar living situations including those
28 subsidized by the department of housing and urban development.

29 (3) "Person" means any individual, firm, partnership, corporation,
30 company, association, or joint stock association, and the legal
31 successor thereof.

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

33 (5) "Department" means the state department of social and health
34 services.

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

4 **Sec. 2.** RCW 18.20.040 and 1957 c 253 s 4 are each amended to read
5 as follows:

6 An application for a license shall be made to the department (~~or~~
7 ~~authorized department~~) upon forms provided by (~~either of said~~
8 ~~departments~~) the department and shall contain such information as the
9 department reasonably requires, which shall include affirmative
10 evidence of ability to comply with such rules (~~and regulations~~) as
11 are lawfully (~~promulgated~~) adopted by the (~~board~~) department.

12 **Sec. 3.** RCW 18.20.050 and 1987 c 75 s 3 are each amended to read
13 as follows:

14 Upon receipt of an application for license, if the applicant and
15 the boarding home facilities meet the requirements established under
16 this chapter, the department (~~or the department and the authorized~~
17 ~~health department jointly,~~) shall issue a license. If there is a
18 failure to comply with the provisions of this chapter or the
19 standards(~~,~~) and rules(~~,~~ ~~and regulations promulgated~~) adopted
20 pursuant thereto, the department(~~,~~ ~~or the department and authorized~~
21 ~~health department,~~) may in its discretion issue to an applicant for a
22 license, or for the renewal of a license, a provisional license which
23 will permit the operation of the boarding home for a period to be
24 determined by the department, (~~or the department and authorized health~~
25 ~~department,~~) but not to exceed twelve months, which provisional
26 license shall not be subject to renewal. At the time of the
27 application for or renewal of a license or provisional license the
28 licensee shall pay a license fee as established by the department under
29 RCW 43.20B.110. (~~When the license or provisional license is issued~~
30 ~~jointly by the department and authorized health department, the license~~
31 ~~fee shall be paid to the authorized health department.~~) All licenses
32 issued under the provisions of this chapter shall expire on a date to
33 be set by the department, but no license issued pursuant to this
34 chapter shall exceed twelve months in duration(~~:- PROVIDED, That~~).
35 However, when the annual license renewal date of a previously licensed
36 boarding home is set by the department on a date less than twelve
37 months prior to the expiration date of a license in effect at the time

1 of reissuance, the license fee shall be prorated on a monthly basis and
2 a credit be allowed at the first renewal of a license for any period of
3 one month or more covered by the previous license. All applications
4 for renewal of a license shall be made not later than thirty days prior
5 to the date of expiration of the license. Each license shall be issued
6 only for the premises and persons named in the application, and no
7 license shall be transferable or assignable. Licenses shall be posted
8 in a conspicuous place on the licensed premises.

9 **Sec. 4.** RCW 18.20.110 and 1985 c 213 s 7 are each amended to read
10 as follows:

11 The department (~~(or authorized health department)~~) shall make or
12 cause to be made at least a yearly inspection and investigation of all
13 boarding homes. Every inspection shall focus primarily on actual or
14 potential resident outcomes, and may include an inspection of every
15 part of the premises and an examination of all records (other than
16 financial records), methods of administration, the general and special
17 dietary, and the stores and methods of supply. Following such an
18 inspection or inspections, written notice of any violation of this law
19 or the rules (~~(and regulations promulgated)~~) adopted hereunder(~~(7)~~)
20 shall be given to the applicant or licensee and the department. The
21 department may prescribe by (~~(regulations)~~) rule that any licensee or
22 applicant desiring to make specified types of alterations or additions
23 to its facilities or to construct new facilities shall, before
24 commencing such alteration, addition, or new construction, submit plans
25 and specifications therefor to the (~~(department or to the authorized~~
26 ~~department)~~) agencies responsible for plan reviews for preliminary
27 inspection and approval or recommendations with respect to compliance
28 with the (~~(regulations)~~) rules and standards herein authorized.

29 **Sec. 5.** RCW 18.20.120 and 1994 c 214 s 25 are each amended to read
30 as follows:

31 All information received by the department (~~(or authorized health~~
32 ~~department)~~) through filed reports, inspections, or as otherwise
33 authorized under this chapter(~~(7)~~) shall not be disclosed publicly in
34 any manner as to identify individuals or boarding homes, except at the
35 specific request of a member of the public and disclosure is consistent
36 with RCW 42.17.260(1).

1 **Sec. 6.** RCW 18.20.130 and 1995 c 369 s 4 are each amended to read
2 as follows:

3 Standards for fire protection and the enforcement thereof, with
4 respect to all boarding homes to be licensed hereunder, shall be the
5 responsibility of the chief of the Washington state patrol, through the
6 director of fire protection, who shall adopt such recognized standards
7 as may be applicable to boarding homes for the protection of life
8 against the cause and spread of fire and fire hazards. The department,
9 upon receipt of an application for a license, shall submit to the chief
10 of the Washington state patrol, through the director of fire
11 protection, in writing, a request for an inspection, giving the
12 applicant's name and the location of the premises to be licensed. Upon
13 receipt of such a request, the chief of the Washington state patrol,
14 through the director of fire protection, or his or her deputy, shall
15 make an inspection of the boarding home to be licensed, and if it is
16 found that the premises do not comply with the required safety
17 standards and fire ~~((regulations))~~ rules as ~~((promulgated))~~ adopted by
18 the chief of the Washington state patrol, through the director of fire
19 protection, he or she shall promptly make a written report to the
20 boarding home and the department ~~((or authorized department))~~ as to the
21 manner and time allowed in which the premises must qualify for a
22 license and set forth the conditions to be remedied with respect to
23 fire ~~((regulations))~~ rules. The department, ~~((authorized department,))~~
24 applicant, or licensee shall notify the chief of the Washington state
25 patrol, through the director of fire protection, upon completion of any
26 requirements made by him or her, and the chief of the Washington state
27 patrol, through the director of fire protection, or his or her deputy,
28 shall make a reinspection of such premises. Whenever the boarding home
29 to be licensed meets with the approval of the chief of the Washington
30 state patrol, through the director of fire protection, he or she shall
31 submit to the department ~~((or authorized department,))~~ a written report
32 approving same with respect to fire protection before a full license
33 can be issued. The chief of the Washington state patrol, through the
34 director of fire protection, shall make or cause to be made inspections
35 of such homes at least annually.

36 In cities which have in force a comprehensive building code, the
37 provisions of which are determined by the chief of the Washington state
38 patrol, through the director of fire protection, to be equal to the
39 minimum standards of the code for boarding homes adopted by the chief

1 of the Washington state patrol, through the director of fire
2 protection, the chief of the fire department, provided the latter is a
3 paid chief of a paid fire department, shall make the inspection with
4 the chief of the Washington state patrol, through the director of fire
5 protection, or his or her deputy, and they shall jointly approve the
6 premises before a full license can be issued.

7 **Sec. 7.** RCW 18.20.190 and 1998 c 272 s 15 are each amended to read
8 as follows:

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

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

15 (b) Operated a boarding home without a license or under a revoked
16 license;

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

21 (d) Willfully prevented or interfered with any inspection or
22 investigation by the department.

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

25 (a) Refuse to issue a license;

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

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

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

32 (e) Suspend admissions to the boarding home by imposing stop
33 placement.

34 (3) When the department orders stop placement, the facility shall
35 not admit any new resident until the stop placement order is
36 terminated. The department may approve readmission of a resident to
37 the facility from a hospital or nursing home during the stop placement.
38 The department shall terminate the stop placement when: (a) The

1 violations necessitating the stop placement have been corrected; and
2 (b) the provider exhibits the capacity to maintain adequate care and
3 service.

4 (4) RCW 43.20A.205 governs notice of a license denial, revocation,
5 suspension, or modification. Chapter 34.05 RCW applies to department
6 actions under this section, except that orders of the department
7 imposing license suspension, stop placement, or conditions for
8 continuation of a license are effective immediately upon notice and
9 shall continue pending any hearing.

10 NEW SECTION. Sec. 8. A new section is added to chapter 18.20 RCW
11 to read as follows:

12 (1) In an effort to ensure a cooperative process among the
13 department, boarding home provider representatives, and resident and
14 family representatives on matters pertaining to the boarding home
15 program, the secretary, or his or her designee, shall designate an
16 advisory board. The advisory board must include representatives of the
17 state-wide boarding home associations, the state long-term care
18 ombudsman program, the state-wide resident council program, consumers,
19 and family representatives. Depending on the topic to be discussed,
20 the department may invite other representatives in addition to the
21 named members of the advisory board. The secretary, or his or her
22 designee, shall periodically, but not less than quarterly, convene a
23 meeting of the advisory board to encourage open dialogue on matters
24 affecting the boarding home program. It is, minimally, expected that
25 the department will discuss with the advisory board the department's
26 inspection, enforcement, and quality improvement activities, in
27 addition to seeking their comments and recommendations on matters
28 described under subsection (2) of this section.

29 (2) The secretary, or his or her designee, shall seek comments and
30 recommendations from the advisory board prior to the adoption of rules
31 and standards, implementation of boarding home provider programs, or
32 development of methods and rates of payment.

33 (3) For the purpose of implementing this section, "department"
34 means either the department of health or the department of social and
35 health services, depending on which department has the licensing
36 authority under this chapter.

