
SUBSTITUTE HOUSE BILL 2380

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Cody, Parlette and Edwards; by request of Governor Locke)

Read first time 02/02/2000. Referred to Committee on .

1 AN ACT Relating to boarding homes; amending RCW 18.20.020,
2 18.20.040, 18.20.050, 18.20.110, 18.20.120, 18.20.130, and 18.20.190;
3 amending 1998 c 272 s 24 (uncodified); repealing RCW 18.20.060 and
4 18.20.100; and providing an effective date.

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

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

8 As used in this chapter:

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

12 (2) "Boarding home" means any home or other institution, however
13 named, which is advertised, announced, or maintained for the express or
14 implied purpose of providing board and domiciliary care to ~~((three))~~
15 seven or more aged persons not related by blood or marriage to the
16 operator. ~~((It))~~ However, a boarding home that is licensed to provide
17 board and domiciliary care to three to six persons on the effective
18 date of this act may maintain its boarding home license as long as it
19 is continually licensed as a boarding home. "Boarding home" shall not

1 include facilities certified as group training homes pursuant to RCW
2 71A.22.040, nor any home, institution or section thereof which is
3 otherwise licensed and regulated under the provisions of state law
4 providing specifically for the licensing and regulation of such home,
5 institution or section thereof. Nor shall it include any independent
6 senior housing, independent living units in continuing care retirement
7 communities, or other similar living situations including those
8 subsidized by the department of housing and urban development.

9 (3) "Person" means any individual, firm, partnership, corporation,
10 company, association, or joint stock association, and the legal
11 successor thereof.

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

13 (5) "Department" means the state department of social and health
14 services.

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

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

20 An application for a license shall be made to the department (~~(or
21 authorized department)~~) upon forms provided by (~~(either of said
22 departments)~~) the department and shall contain such information as the
23 department reasonably requires, which shall include affirmative
24 evidence of ability to comply with such rules (~~(and regulations)~~) as
25 are lawfully (~~(promulgated)~~) adopted by the (~~(board)~~) department.

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

28 Upon receipt of an application for license, if the applicant and
29 the boarding home facilities meet the requirements established under
30 this chapter, the department (~~(or the department and the authorized
31 health department jointly,)~~) shall issue a license. If there is a
32 failure to comply with the provisions of this chapter or the
33 standards(~~(,)~~) and rules(~~(, and regulations promulgated)~~) adopted
34 pursuant thereto, the department(~~(, or the department and authorized
35 health department,)~~) may in its discretion issue to an applicant for a
36 license, or for the renewal of a license, a provisional license which
37 will permit the operation of the boarding home for a period to be

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

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

25 The department (~~or authorized health department~~) shall make or
26 cause to be made at least a yearly inspection and investigation of all
27 boarding homes. Every inspection may include an inspection of every
28 part of the premises and an examination of all records (other than
29 financial records), methods of administration, the general and special
30 dietary, and the stores and methods of supply. Following such an
31 inspection or inspections, written notice of any violation of this law
32 or the rules (~~and regulations promulgated~~) adopted hereunder(~~(7)~~)
33 shall be given to the applicant or licensee and the department. The
34 department may prescribe by (~~regulations~~) rule that any licensee or
35 applicant desiring to make specified types of alterations or additions
36 to its facilities or to construct new facilities shall, before
37 commencing such alteration, addition, or new construction, submit plans
38 and specifications therefor to the department (~~or to the authorized~~

1 department)) of health for preliminary inspection and approval or
2 recommendations with respect to compliance with the ((regulations))
3 rules and standards herein authorized.

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

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

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

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

1 patrol, through the director of fire protection, or his or her deputy,
2 shall make a reinspection of such premises. Whenever the boarding home
3 to be licensed meets with the approval of the chief of the Washington
4 state patrol, through the director of fire protection, he or she shall
5 submit to the department (~~(or authorized department,)~~) a written report
6 approving same with respect to fire protection before a full license
7 can be issued. The chief of the Washington state patrol, through the
8 director of fire protection, shall make or cause to be made inspections
9 of such homes at least annually.

10 In cities which have in force a comprehensive building code, the
11 provisions of which are determined by the chief of the Washington state
12 patrol, through the director of fire protection, to be equal to the
13 minimum standards of the code for boarding homes adopted by the chief
14 of the Washington state patrol, through the director of fire
15 protection, the chief of the fire department, provided the latter is a
16 paid chief of a paid fire department, shall make the inspection with
17 the chief of the Washington state patrol, through the director of fire
18 protection, or his or her deputy, and they shall jointly approve the
19 premises before a full license can be issued.

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

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

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

28 (b) Operated a boarding home without a license or under a revoked
29 license;

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

34 (d) Willfully prevented or interfered with any inspection or
35 investigation by the department.

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

38 (a) Refuse to issue a license;

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

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

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

7 (e) Suspend admissions to the boarding home by imposing stop
8 placement.

9 (3) When the department orders stop placement, the facility shall
10 not admit any new resident until the stop placement order is
11 terminated. The department may approve readmission of a resident to
12 the facility from a hospital or nursing home during the stop placement.
13 The department shall terminate the stop placement when: (a) The
14 violations necessitating the stop placement have been corrected; and
15 (b) the provider exhibits the capacity to maintain adequate care and
16 service.

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

23 **Sec. 8.** 1998 c 272 s 24 (uncodified) is amended to read as
24 follows:

25 (1) Section(~~s~~) 13 (~~through 16~~) of this act expires July 1,
26 2000(~~, unless reauthorized by the legislature~~).

27 (2) Section 17 of this act expires December 12, 1999.

28 NEW SECTION. **Sec. 9.** The following acts or parts of acts are each
29 repealed:

30 (1) RCW 18.20.060 (Actions against license) and 1991 c 3 s 35, 1989
31 c 175 s 60, 1985 c 213 s 5, & 1957 c 253 s 6; and

32 (2) RCW 18.20.100 (Enforcement by local authorities--Authorization)
33 and 1979 c 141 s 26 & 1957 c 253 s 10.

34 NEW SECTION. **Sec. 10.** This act takes effect July 1, 2000.

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