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SENATE BILL 6398

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State of Washington                      56th Legislature                      2000 Regular Session

By Senators Costa and Winsley; by request of Governor Locke

Read first time . 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); creating a new section;  
4 repealing RCW 18.20.060 and 18.20.100; and providing an effective date.

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

6            NEW SECTION.    **Sec. 1.** It is the intent of the legislature that the  
7 department of social and health services have the exclusive authority  
8 to regulate and license boarding homes, except as specified in RCW  
9 18.20.130.

10           **Sec. 2.** RCW 18.20.020 and 1998 c 272 s 14 are each amended to read  
11 as follows:

12           As used in this chapter:

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

16           (2) "Boarding home" means any home or other institution, however  
17 named, which is advertised, announced, or maintained for the express or  
18 implied purpose of providing board and domiciliary care to ((three))

1 seven or more aged persons not related by blood or marriage to the  
2 operator. ~~((It))~~ However, a boarding home that is licensed to provide  
3 board and domiciliary care to three to six persons on the effective  
4 date of this act may maintain its boarding home license as long as it  
5 is continually licensed as a boarding home. "Boarding home" shall not  
6 include facilities certified as group training homes pursuant to RCW  
7 71A.22.040, nor any home, institution or section thereof which is  
8 otherwise licensed and regulated under the provisions of state law  
9 providing specifically for the licensing and regulation of such home,  
10 institution or section thereof. Nor shall it include any independent  
11 senior housing, independent living units in continuing care retirement  
12 communities, or other similar living situations including those  
13 subsidized by the department of housing and urban development.

14 (3) "Person" means any individual, firm, partnership, corporation,  
15 company, association, or joint stock association, and the legal  
16 successor thereof.

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

18 (5) "Department" means the state department of social and health  
19 services.

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

23 **Sec. 3.** RCW 18.20.040 and 1957 c 253 s 4 are each amended to read  
24 as follows:

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

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

33 Upon receipt of an application for license, if the applicant and  
34 the boarding home facilities meet the requirements established under  
35 this chapter, the department ~~((or the department and the authorized~~  
36 ~~health department jointly,))~~ shall issue a license. If there is a  
37 failure to comply with the provisions of this chapter or the

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

28 **Sec. 5.** RCW 18.20.110 and 1985 c 213 s 7 are each amended to read  
29 as follows:

30 The department (~~or authorized health department~~) shall make or  
31 cause to be made at least a yearly inspection and investigation of all  
32 boarding homes. Every inspection may include an inspection of every  
33 part of the premises and an examination of all records (other than  
34 financial records), methods of administration, the general and special  
35 dietary, and the stores and methods of supply. Following such an  
36 inspection or inspections, written notice of any violation of this law  
37 or the rules (~~and regulations promulgated~~) adopted hereunder(~~(,)~~)  
38 shall be given to the applicant or licensee and the department. The

1 department may prescribe by (~~regulations~~) rule that any licensee or  
2 applicant desiring to make specified types of alterations or additions  
3 to its facilities or to construct new facilities shall, before  
4 commencing such alteration, addition, or new construction, submit plans  
5 and specifications therefor to the department (~~or to the authorized~~  
6 ~~department~~) of health for preliminary inspection and approval or  
7 recommendations with respect to compliance with the (~~regulations~~)  
8 rules and standards herein authorized.

9       **Sec. 6.** RCW 18.20.120 and 1994 c 214 s 25 are each amended to read  
10 as follows:

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

17       **Sec. 7.** RCW 18.20.130 and 1995 c 369 s 4 are each amended to read  
18 as follows:

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

1 license and set forth the conditions to be remedied with respect to  
2 fire (~~(regulations)~~) rules. The department, (~~(authorized department,~~)  
3 applicant, or licensee shall notify the chief of the Washington state  
4 patrol, through the director of fire protection, upon completion of any  
5 requirements made by him or her, and the chief of the Washington state  
6 patrol, through the director of fire protection, or his or her deputy,  
7 shall make a reinspection of such premises. Whenever the boarding home  
8 to be licensed meets with the approval of the chief of the Washington  
9 state patrol, through the director of fire protection, he or she shall  
10 submit to the department (~~(or authorized department,~~) a written report  
11 approving same with respect to fire protection before a full license  
12 can be issued. The chief of the Washington state patrol, through the  
13 director of fire protection, shall make or cause to be made inspections  
14 of such homes at least annually.

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

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

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

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

33 (b) Operated a boarding home without a license or under a revoked  
34 license;

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

1 (d) Willfully prevented or interfered with any inspection or  
2 investigation by the department.

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

5 (a) Refuse to issue a license;

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

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

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

12 (e) Suspend admissions to the boarding home by imposing stop  
13 placement.

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

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

28 **Sec. 9.** 1998 c 272 s 24 (uncodified) is amended to read as  
29 follows:

30 (1) Sections 13 (~~(through)~~) and 16 of this act expire July 1,  
31 2000(~~(, unless reauthorized by the legislature)~~).

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

33 NEW SECTION. **Sec. 10.** The following acts or parts of acts are  
34 each repealed:

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

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

3 NEW SECTION. **Sec. 11.** This act takes effect July 1, 2000.

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