

2 **HB 2458 - H AMD Adopted 3-14-02 0621**

3 By Representative

4

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

7 "Sec. 1. RCW 70.128.060 and 2001 c 193 s 9 are each amended to  
8 read as follows:

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

12 (2) The department shall issue a license to an adult family home if  
13 the department finds that the applicant and the home are in compliance  
14 with this chapter and the rules adopted under this chapter, unless (a)  
15 the applicant has prior violations of this chapter relating to the  
16 adult family home subject to the application or any other adult family  
17 home, or of any other law regulating residential care facilities within  
18 the past five years that resulted in revocation or nonrenewal of a  
19 license; or (b) the applicant has a history of significant  
20 noncompliance with federal, state, or local laws, rules, or regulations  
21 relating to the provision of care or services to vulnerable adults or  
22 to children.

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

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

30 (5) The department shall not issue a license to a provider if the  
31 department finds that the provider or any partner, officer, director,  
32 managerial employee, or owner of five percent or more if the provider  
33 has a history of significant noncompliance with federal or state  
34 regulations, rules, or laws in providing care or services to vulnerable  
35 adults or to children.

1 (6) The department shall license an adult family home for the  
2 maximum level of care that the adult family home may provide. The  
3 department shall define, in rule, license levels based upon the  
4 education, training, and caregiving experience of the licensed provider  
5 or staff.

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

8 (8) The department shall establish, by rule, for multiple facility  
9 operators educational standards substantially equivalent to recognized  
10 national certification standards for residential care administrators.

11 (9) The license fee shall be set at (~~fifty~~) one hundred twenty-  
12 five dollars per year for each home. A (~~fifty~~) one hundred twenty-  
13 five dollar processing fee shall also be charged each home when the  
14 home is initially licensed.

15 (10) A provider who receives notification of the department's  
16 initiation of a denial, suspension, nonrenewal, or revocation of an  
17 adult family home license may, in lieu of appealing the department's  
18 action, surrender or relinquish the license. The department shall not  
19 issue a new license to or contract with the provider, for the purposes  
20 of providing care to vulnerable adults or children, for a period of  
21 twenty years following the surrendering or relinquishment of the former  
22 license. The licensing record shall indicate that the provider  
23 relinquished or surrendered the license, without admitting the  
24 violations, after receiving notice of the department's initiation of a  
25 denial, suspension, nonrenewal, or revocation of a license.

26 NEW SECTION. Sec. 2. A new section is added to chapter 70.128 RCW  
27 to read as follows:

28 No department employee shall discriminate or retaliate in any  
29 manner against an adult family home operator or employee on the basis  
30 or for the reason that the operator or employee made a complaint  
31 against the department or any of its employees."

32 Correct the title.

--- END ---