
SECOND SUBSTITUTE HOUSE BILL 2312

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Cody, Campbell, Schual-Berke and Edwards; by request of Department of Health)

Read first time . Referred to Committee on .

1 AN ACT Relating to department of health regulation of adult family
2 homes; amending RCW 70.128.220, 18.130.040, and 70.128.120; adding a
3 new section to chapter 70.128 RCW; creating a new section; and
4 repealing RCW 18.48.010, 18.48.020, 18.48.030, 18.48.050, and
5 18.48.060.

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

7 NEW SECTION. **Sec. 1.** The following acts or parts of acts are each
8 repealed:

9 (1) RCW 18.48.010 (Definitions) and 1996 c 81 s 2 & 1995 c 260 s 7;

10 (2) RCW 18.48.020 (Registration) and 2000 c 93 s 5, 1996 c 81 s 4,
11 & 1995 c 260 s 8;

12 (3) RCW 18.48.030 (Application of uniform disciplinary act) and
13 1995 c 260 s 9;

14 (4) RCW 18.48.050 (Elder care--Professionalization of providers)
15 and 1998 c 272 s 7; and

16 (5) RCW 18.48.060 (Advisory committee--Composition--Vacancies--
17 Meetings--Travel expenses--Civil immunity) and 2000 c 171 s 18 & 1998
18 c 272 s 8.

1 **Sec. 2.** RCW 70.128.220 and 1998 c 272 s 9 are each amended to read
2 as follows:

3 Adult family homes have developed rapidly in response to the health
4 and social needs of the aging population in community settings,
5 especially as the aging population has increased in proportion to the
6 general population. The growing demand for elder care with a new focus
7 on issues affecting senior citizens, including persons with
8 developmental disabilities, mental illness, or dementia, has prompted
9 a growing professionalization of adult family home providers to address
10 quality care and quality of life issues consistent with standards of
11 accountability and regulatory safeguards for the health and safety of
12 the residents. The establishment of an advisory (~~committee~~) board to
13 the (~~department of health and the~~) department of social and health
14 services under (~~RCW 18.48.060~~) section 3 of this act formalizes a
15 stable process for discussing and considering these issues among
16 residents and their advocates, regulatory officials, and adult family
17 home providers. The dialogue among all stakeholders interested in
18 maintaining a healthy option for the aging population in community
19 settings assures the highest regard for the well-being of these
20 residents within a benign and functional regulatory environment. The
21 secretary shall be advised by an advisory (~~committee~~) board on adult
22 family homes established under (~~RCW 18.48.060~~) section 3 of this act.

23 (~~Establishment of the advisory committee shall not prohibit the~~
24 ~~department of social and health services from utilizing other advisory~~
25 ~~activities that the department of social and health services deems~~
26 ~~necessary for program development.~~)

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.128 RCW
28 to read as follows:

29 (1) In an effort to ensure a cooperative process among the
30 department, adult family home provider representatives, and resident
31 and family representatives on matters pertaining to the adult family
32 home program, the secretary, or his or her designee, shall designate an
33 advisory board. The advisory board must include representatives of the
34 statewide adult family home associations and nonaffiliated providers,
35 the state long-term care ombudsman program, the statewide resident
36 council program, consumers, and family representatives. Depending on
37 the topic to be discussed, the department may invite other
38 representatives in addition to the named members of the advisory board.

1 The secretary, or his or her designee, shall periodically, but not less
2 than quarterly, convene a meeting of the advisory board to encourage
3 open dialogue on matters affecting the adult family home program. It
4 is, minimally, expected that the department will discuss with the
5 advisory board the department's inspection, enforcement, and quality
6 improvement activities, in addition to seeking their comments and
7 recommendations on matters described under subsection (2) of this
8 section.

9 (2) The secretary, or his or her designee, shall seek comments and
10 recommendations from the advisory board prior to the adoption of rules
11 and standards, implementation of adult family home provider programs,
12 or development of methods and rates of payment.

13 (3) Establishment of the advisory board shall not prohibit the
14 department of social and health services from utilizing other advisory
15 activities that the department of social and health services deems
16 necessary for program development.

17 NEW SECTION. **Sec. 4.** The department of health shall return the
18 funds collected by the department in connection with the power,
19 functions, and duties repealed under section 1 of this act, less actual
20 program costs, to credentialed adult family home providers and resident
21 managers registered under chapter 18.48 RCW. The department of health
22 shall determine the formula for distribution of these funds based upon
23 payment of registration fees during the previous two renewal periods.

24 **Sec. 5.** RCW 18.130.040 and 2001 c 251 s 27 are each amended to
25 read as follows:

26 (1) This chapter applies only to the secretary and the boards and
27 commissions having jurisdiction in relation to the professions licensed
28 under the chapters specified in this section. This chapter does not
29 apply to any business or profession not licensed under the chapters
30 specified in this section.

31 (2)(a) The secretary has authority under this chapter in relation
32 to the following professions:

- 33 (i) Dispensing opticians licensed under chapter 18.34 RCW;
- 34 (ii) Naturopaths licensed under chapter 18.36A RCW;
- 35 (iii) Midwives licensed under chapter 18.50 RCW;
- 36 (iv) Ocularists licensed under chapter 18.55 RCW;

1 (v) Massage operators and businesses licensed under chapter 18.108
2 RCW;

3 (vi) Dental hygienists licensed under chapter 18.29 RCW;

4 (vii) Acupuncturists licensed under chapter 18.06 RCW;

5 (viii) Radiologic technologists certified and X-ray technicians
6 registered under chapter 18.84 RCW;

7 (ix) Respiratory care practitioners licensed under chapter 18.89
8 RCW;

9 (x) Persons registered under chapter 18.19 RCW;

10 (xi) Persons licensed as mental health counselors, marriage and
11 family therapists, and social workers under chapter 18.225 RCW;

12 (xii) Persons registered as nursing pool operators under chapter
13 18.52C RCW;

14 (xiii) Nursing assistants registered or certified under chapter
15 18.88A RCW;

16 (xiv) Health care assistants certified under chapter 18.135 RCW;

17 (xv) Dietitians and nutritionists certified under chapter 18.138
18 RCW;

19 (xvi) Chemical dependency professionals certified under chapter
20 18.205 RCW;

21 (xvii) Sex offender treatment providers certified under chapter
22 18.155 RCW;

23 (xviii) Persons licensed and certified under chapter 18.73 RCW or
24 RCW 18.71.205;

25 (xix) (~~Persons registered as adult family home providers and~~
26 ~~resident managers under RCW 18.48.020;~~
27 ~~(xx)~~) Denturists licensed under chapter 18.30 RCW;

28 (~~(xxi)~~) (xx) Orthotists and prosthetists licensed under chapter
29 18.200 RCW; and

30 (~~(xxii)~~) (xxi) Surgical technologists registered under chapter
31 18.215 RCW.

32 (b) The boards and commissions having authority under this chapter
33 are as follows:

34 (i) The podiatric medical board as established in chapter 18.22
35 RCW;

36 (ii) The chiropractic quality assurance commission as established
37 in chapter 18.25 RCW;

38 (iii) The dental quality assurance commission as established in
39 chapter 18.32 RCW;

1 (iv) The board of hearing and speech as established in chapter
2 18.35 RCW;

3 (v) The board of examiners for nursing home administrators as
4 established in chapter 18.52 RCW;

5 (vi) The optometry board as established in chapter 18.54 RCW
6 governing licenses issued under chapter 18.53 RCW;

7 (vii) The board of osteopathic medicine and surgery as established
8 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
9 18.57A RCW;

10 (viii) The board of pharmacy as established in chapter 18.64 RCW
11 governing licenses issued under chapters 18.64 and 18.64A RCW;

12 (ix) The medical quality assurance commission as established in
13 chapter 18.71 RCW governing licenses and registrations issued under
14 chapters 18.71 and 18.71A RCW;

15 (x) The board of physical therapy as established in chapter 18.74
16 RCW;

17 (xi) The board of occupational therapy practice as established in
18 chapter 18.59 RCW;

19 (xii) The nursing care quality assurance commission as established
20 in chapter 18.79 RCW governing licenses issued under that chapter;

21 (xiii) The examining board of psychology and its disciplinary
22 committee as established in chapter 18.83 RCW; and

23 (xiv) The veterinary board of governors as established in chapter
24 18.92 RCW.

25 (3) In addition to the authority to discipline license holders, the
26 disciplining authority has the authority to grant or deny licenses
27 based on the conditions and criteria established in this chapter and
28 the chapters specified in subsection (2) of this section. This chapter
29 also governs any investigation, hearing, or proceeding relating to
30 denial of licensure or issuance of a license conditioned on the
31 applicant's compliance with an order entered pursuant to RCW 18.130.160
32 by the disciplining authority.

33 (4) All disciplining authorities shall adopt procedures to ensure
34 substantially consistent application of this chapter, the Uniform
35 Disciplinary Act, among the disciplining authorities listed in
36 subsection (2) of this section.

37 **Sec. 6.** RCW 70.128.120 and 2001 c 319 s 8 are each amended to read
38 as follows:

1 Each adult family home provider and each resident manager shall
2 have the following minimum qualifications:

3 (1) Twenty-one years of age or older;

4 (2) For those applying after September 1, 2001, to be licensed as
5 providers, and for resident managers whose employment begins after
6 September 1, 2001, a high school diploma or general educational
7 development (GED) certificate;

8 (3) Good moral and responsible character and reputation;

9 (4) Literacy in the English language, however, a person not
10 literate in the English language may meet the requirements of this
11 subsection by assuring that there is a person on staff and available
12 who is able to communicate or make provisions for communicating with
13 the resident in his or her primary language and capable of
14 understanding and speaking English well enough to be able to respond
15 appropriately to emergency situations and be able to read and
16 understand resident care plans;

17 (5) Management and administrative ability to carry out the
18 requirements of this chapter;

19 (6) Satisfactory completion of department-approved basic training
20 and continuing education training as specified by the department in
21 rule, based on recommendations of the community long-term care training
22 and education steering committee and working in collaboration with
23 providers, consumers, caregivers, advocates, family members, educators,
24 and other interested parties in the rule-making process;

25 (7) Satisfactory completion of department-approved, or equivalent,
26 special care training before a provider may provide special care
27 services to a resident;

28 (8) Not been convicted of any crime listed in RCW 43.43.830 and
29 43.43.842; and

30 (~~(9) ((Registered with the department of health; and~~
31 ~~(10))~~) For those applying after September 1, 2001, to be licensed
32 as providers, and for resident managers whose employment begins after
33 September 1, 2001, at least three hundred twenty hours of successful,
34 direct caregiving experience obtained after age eighteen to vulnerable
35 adults in a licensed or contracted setting prior to operating or
36 managing an adult family home.

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