
HOUSE BILL 1491

State of Washington

58th Legislature

2003 Regular Session

By Representatives Schual-Berke, Darneille, Benson, Campbell and Upthegrove

Read first time 01/28/2003. Referred to Committee on Health Care.

1 AN ACT Relating to preventing increase in the regulatory costs on
2 long-term care providers; amending RCW 18.20.090, 18.51.070,
3 70.128.040, and 74.08.090; creating a new section; and declaring an
4 emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds it is constrained by
7 the budget deficit and the lack of revenue, as are the long-term care
8 providers that Washington state contracts with to provide services to
9 state clients. Although the state has been unable to keep up with the
10 cost of inflation in long-term care, the state has continued to
11 increase the amount and the cost of compliance with rules. While most
12 rules are well-meaning and intended to assure quality of care, the
13 state cannot assure quality of care through rule alone. Additionally
14 as the cost of complying with rules increases and the state payment for
15 long-term care does not keep pace with these increasing costs, the
16 private-pay residents ultimately pay more than their share.

17 **Sec. 2.** RCW 18.20.090 and 1985 c 213 s 6 are each amended to read
18 as follows:

1 (1) The department shall adopt, amend, and promulgate such rules,
2 regulations, and standards with respect to all boarding homes and
3 operators thereof to be licensed hereunder as may be designed to
4 further the accomplishment of the purposes of this chapter in promoting
5 safe and adequate care of individuals in boarding homes and the
6 sanitary, hygienic and safe conditions of the boarding home in the
7 interest of public health, safety, and welfare.

8 (2) Beginning the effective date of this act, the department shall
9 not adopt any new or additional rules that increase the cost of
10 compliance for boarding homes unless the department repeals rules of
11 equal or greater compliance costs.

12 **Sec. 3.** RCW 18.51.070 and 1979 ex.s. c 211 s 64 are each amended
13 to read as follows:

14 (1) The department, after consultation with the nursing home
15 advisory council and the board of health, shall adopt, amend, and
16 promulgate such rules, regulations, and standards with respect to all
17 nursing homes to be licensed hereunder as may be designed to further
18 the accomplishment of the purposes of this chapter in promoting safe
19 and adequate medical and nursing care of individuals in nursing homes
20 and the sanitary, hygienic and safe conditions of the nursing home in
21 the interest of public health, safety, and welfare.

22 (2) Beginning the effective date of this act, the department shall
23 not adopt any new or additional rules that increase the cost of
24 compliance for nursing homes unless the department repeals rules of
25 equal or greater compliance costs. The department may adopt rules to
26 comply with mandates of the federal government affecting nursing homes,
27 but the department may not exceed the mandate of the federal
28 legislation or rule.

29 **Sec. 4.** RCW 70.128.040 and 1995 c 260 s 3 are each amended to read
30 as follows:

31 (1) The department shall adopt rules and standards with respect to
32 adult family homes and the operators thereof to be licensed under this
33 chapter to carry out the purposes and requirements of this chapter.
34 The rules and standards relating to applicants and operators shall
35 address the differences between individual providers and providers that
36 are partnerships, corporations, associations, or companies. The rules

1 and standards shall also recognize and be appropriate to the different
2 needs and capacities of the various populations served by adult family
3 homes such as but not limited to the developmentally disabled and the
4 elderly. In developing rules and standards the department shall
5 recognize the residential family-like nature of adult family homes and
6 not develop rules and standards which by their complexity serve as an
7 overly restrictive barrier to the development of the adult family homes
8 in the state. Procedures and forms established by the department shall
9 be developed so they are easy to understand and comply with. Paper
10 work requirements shall be minimal. Easy to understand materials shall
11 be developed for applicants and providers explaining licensure
12 requirements and procedures.

13 (2) In developing the rules and standards, the department shall
14 consult with all divisions and administrations within the department
15 serving the various populations living in adult family homes, including
16 the division of developmental disabilities and the aging and adult
17 services administration. Involvement by the divisions and
18 administration shall be for the purposes of assisting the department to
19 develop rules and standards appropriate to the different needs and
20 capacities of the various populations served by adult family homes.
21 During the initial stages of development of proposed rules, the
22 department shall provide notice of development of the rules to
23 organizations representing adult family homes and their residents, and
24 other groups that the department finds appropriate. The notice shall
25 state the subject of the rules under consideration and solicit written
26 recommendations regarding their form and content.

27 (3) Except where provided otherwise, chapter 34.05 RCW shall govern
28 all department rule-making and adjudicative activities under this
29 chapter.

30 (4) Beginning the effective date of this act, the department shall
31 not adopt any new or additional rules that increase the cost of
32 compliance for adult family homes unless the department repeals rules
33 of equal or greater compliance costs.

34 **Sec. 5.** RCW 74.08.090 and 1969 ex.s. c 173 s 5 are each amended to
35 read as follows:

36 (1) The department is hereby authorized to make rules and
37 regulations not inconsistent with the provisions of this title to the

1 end that this title shall be administered uniformly throughout the
2 state, and that the spirit and purpose of this title may be complied
3 with. The department shall have the power to compel compliance with
4 the rules and regulations established by it. Such rules and
5 regulations shall be filed in accordance with the Administrative
6 Procedure Act, as it is now or hereafter amended, and copies shall be
7 available for public inspection in the office of the department and in
8 each county office.

9 (2) Beginning the effective date of this act, the department shall
10 not adopt any new or additional rules that increase the cost of
11 compliance for adult day health or adult day care programs unless the
12 department repeals rules of equal or greater compliance costs.

13 NEW SECTION. **Sec. 6.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 immediately.

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