

---

HOUSE BILL 1916

---

State of Washington                      58th Legislature                      2003 Regular Session

By Representatives Edwards and Skinner

Read first time 02/14/2003. Referred to Committee on Health Care.

1            AN ACT Relating to boarding home license violations; and amending  
2 RCW 18.20.190 and 18.20.195.

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

4            **Sec. 1.** RCW 18.20.190 and 2001 c 193 s 4 are each amended to read  
5 as follows:

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

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

12            (b) Operated a boarding home without a license or under a revoked  
13 license;

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

18            (d) Willfully prevented or interfered with any inspection or  
19 investigation by the department.

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

3 (a) Refuse to issue a license;

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

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

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

10 (e) Suspend admissions to the boarding home by imposing stop  
11 placement for one or more violations where significant actual harm has  
12 occurred, or it is likely that death or significant harm will occur.

13 (3) When the department orders stop placement, the facility shall  
14 not admit any new resident until the stop placement order is  
15 terminated. The department may approve readmission of a resident to  
16 the facility from a hospital or nursing home during the stop placement.  
17 The department shall terminate the stop placement when: (a) The  
18 violations necessitating the stop placement have been corrected; and  
19 (b) the provider exhibits the capacity to maintain correction of the  
20 violations previously found deficient. However, if upon the revisit  
21 the department finds new violations that the department reasonably  
22 believes will result in a new stop placement, the previous stop  
23 placement shall remain in effect until the new stop placement is  
24 imposed.

25 (4) After a department finding of a violation for which a stop  
26 placement has been imposed, the department shall make an on-site  
27 revisit of the provider within fifteen working days from the request  
28 for revisit, to ensure correction of the violation. For violations  
29 that are serious or recurring or uncorrected following a previous  
30 citation, and create actual or threatened harm to one or more  
31 residents' well-being, including violations of residents' rights, the  
32 department shall make an on-site revisit as soon as appropriate to  
33 ensure correction of the violation. Verification of correction of all  
34 other violations may be made by either a department on-site revisit or  
35 by written or photographic documentation found by the department to be  
36 credible. This subsection does not prevent the department from  
37 enforcing license suspensions or revocations. Nothing in this  
38 subsection shall interfere with or diminish the department's authority

1 and duty to ensure that the provider adequately cares for residents,  
2 including to make departmental on-site revisits as needed to ensure  
3 that the provider protects residents, and to enforce compliance with  
4 this chapter.

5 (5) RCW 43.20A.205 governs notice of a license denial, revocation,  
6 suspension, or modification. Chapter 34.05 RCW applies to department  
7 actions under this section, except that orders of the department  
8 imposing license suspension, stop placement, or conditions for  
9 continuation of a license are effective immediately upon notice and  
10 shall continue pending any hearing.

11 **Sec. 2.** RCW 18.20.195 and 2001 c 193 s 7 are each amended to read  
12 as follows:

13 (1) The licensee or its designee has the right to an informal  
14 dispute resolution process to dispute any violation found or  
15 enforcement remedy imposed by the department during a licensing  
16 inspection or complaint investigation. The purpose of the informal  
17 dispute resolution process is to provide an opportunity for an exchange  
18 of information that may lead to the modification, deletion, or removal  
19 of a violation, or parts of a violation, or enforcement remedy imposed  
20 by the department.

21 (2) The informal dispute resolution process provided by the  
22 department shall include, but is not necessarily limited to, an  
23 opportunity for review by a department employee who did not participate  
24 in, or oversee, the determination of the violation or enforcement  
25 remedy under dispute. The department shall develop, or further  
26 develop, an informal dispute resolution process consistent with this  
27 section.

28 (3) A request for an informal dispute resolution shall be made to  
29 the department within ten working days from the receipt of a written  
30 finding of a violation or enforcement remedy. The request shall  
31 identify the violation or violations and enforcement remedy or remedies  
32 being disputed. The department shall convene a meeting, when possible,  
33 within ten working days of receipt of the request for informal dispute  
34 resolution, unless by mutual agreement a later date is agreed upon.  
35 The department shall submit a written decision to the licensee or its  
36 designee within ten working days following the conclusion of the  
37 informal dispute resolution meeting.

1 (4) If the department determines that a violation or enforcement  
2 remedy should not be cited or imposed, the department shall delete the  
3 violation or immediately rescind or modify the enforcement remedy.  
4 Upon request, the department shall issue a clean copy of the revised  
5 report, statement of deficiencies, or notice of enforcement action.

6 (5) If, after the informal dispute resolution meeting, the  
7 licensee, or its designee, still disagrees with the violation cited or  
8 enforcement remedy imposed, the licensee, or its designee, may request  
9 a formal hearing pursuant to chapter 34.05 RCW, within twenty-eight  
10 calendar days following receipt of the notice of the written decision  
11 under subsection (3) of this section.

12 (6) The request for informal dispute resolution does not delay the  
13 effective date of any enforcement remedy imposed by the department,  
14 except that civil monetary fines are not payable until the exhaustion  
15 of any formal hearing and appeal rights provided under this chapter.  
16 The licensee shall submit to the department, within the time period  
17 prescribed by the department, a plan of correction to address any  
18 undisputed violations, and including any violations that still remain  
19 following the informal dispute resolution.

--- END ---