
SUBSTITUTE SENATE BILL 5733

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Winsley, Thibaudeau and Kohl-Welles)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to fairness and protection in boarding homes and
2 adult family homes; and amending RCW 18.20.050, 18.20.110, and
3 70.128.060.

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

5 **Sec. 1.** RCW 18.20.050 and 2001 c 193 s 10 are each amended to read
6 as follows:

7 Upon receipt of an application for license, if the applicant and
8 the boarding home facilities meet the requirements established under
9 this chapter, the department shall issue a license. If there is a
10 failure to comply with the provisions of this chapter or the standards
11 and rules adopted pursuant thereto, the department may in its
12 discretion issue to an applicant for a license, or for the renewal of
13 a license, a provisional license which will permit the operation of the
14 boarding home for a period to be determined by the department, but not
15 to exceed twelve months, which provisional license shall not be subject
16 to renewal. At the time of the application for or renewal of a license
17 or provisional license the licensee shall pay a license fee as
18 established by the department under RCW 43.20B.110. All licenses
19 issued under the provisions of this chapter shall expire on a date to

1 be set by the department, but no license issued pursuant to this
2 chapter shall exceed twelve months in duration. However, when the
3 annual license renewal date of a previously licensed boarding home is
4 set by the department on a date less than twelve months prior to the
5 expiration date of a license in effect at the time of reissuance, the
6 license fee shall be prorated on a monthly basis and a credit be
7 allowed at the first renewal of a license for any period of one month
8 or more covered by the previous license. All applications for renewal
9 of a license shall be made not later than thirty days prior to the date
10 of expiration of the license. Each license shall be issued only for
11 the premises and persons named in the application, and no license shall
12 be transferable or assignable. Licenses shall be posted in a
13 conspicuous place on the licensed premises.

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

25 The department shall establish, by rule, the circumstances
26 requiring a change in licensee, which include, but are not limited to,
27 a change in ownership or control of the boarding home or licensee, a
28 change in the licensee's form of legal organization, such as from sole
29 proprietorship to partnership or corporation, and a dissolution or
30 merger of the licensed entity with another legal organization. The new
31 licensee is subject to the provisions of this chapter, the rules
32 adopted under this chapter, and other applicable law. In order to
33 ensure that the safety of residents is not compromised by a change in
34 licensee, the new licensee is responsible for correction of all
35 violations that may exist at the time of the new license, including
36 compliance with any plan of correction in effect immediately prior to
37 the change in licensee. If any person affiliated with the new licensee
38 was affiliated with a prior licensee at the same boarding home, then

1 the prior licensee's compliance and enforcement record becomes part of
2 the new licensee's record at the boarding home. A person is considered
3 affiliated with a licensee if the person is an applicant for the
4 boarding home license, or is listed on the license application as a
5 partner, officer, director, managerial employee, or majority owner of
6 the applying entity.

7 **Sec. 2.** RCW 18.20.110 and 2000 c 47 s 4 are each amended to read
8 as follows:

9 The department shall make or cause to be made at least a yearly
10 inspection and investigation of all boarding homes. Every inspection
11 shall focus primarily on actual or potential resident outcomes, and may
12 include an inspection of every part of the premises and an examination
13 of all records (other than financial records, which may be examined
14 when the department has reasonable cause to believe financial
15 obligations related to resident care or services will not be met, or to
16 investigate an allegation of financial exploitation of a resident),
17 methods of administration, the general and special dietary, and the
18 stores and methods of supply. Following such an inspection or
19 inspections, written notice of any violation of this law or the rules
20 adopted hereunder shall be given to the applicant or licensee and the
21 department. The department may prescribe by rule that any licensee or
22 applicant desiring to make specified types of alterations or additions
23 to its facilities or to construct new facilities shall, before
24 commencing such alteration, addition, or new construction, submit plans
25 and specifications (~~therefor~~) to the agencies responsible for plan
26 reviews for preliminary inspection and approval or recommendations with
27 respect to compliance with the rules and standards herein authorized.

28 **Sec. 3.** RCW 70.128.060 and 2001 c 193 s 9 are each amended to read
29 as follows:

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

33 (2) Subject to the provisions of this section, the department shall
34 issue a license to an adult family home if the department finds that
35 the applicant and the home are in compliance with this chapter and the
36 rules adopted under this chapter, unless (a) the applicant or a person

1 affiliated with the applicant has prior violations of this chapter
2 relating to the adult family home subject to the application or any
3 other adult family home, or of any other law regulating residential
4 care facilities within the past five years that resulted in revocation,
5 suspension, or nonrenewal of a license or contract with the department;
6 or (b) the applicant or a person affiliated with the applicant has a
7 history of significant noncompliance with federal, state, or local
8 laws, rules, or regulations relating to the provision of care or
9 services to vulnerable adults or to children. A person is considered
10 affiliated with an applicant if the person is listed on the license
11 application as a partner, officer, director, resident manager, or
12 majority owner of the applying entity.

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

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

20 (5) The department shall not issue a license to a provider if the
21 department finds that the provider or any partner, officer, director,
22 managerial employee, or majority owner (~~((of five percent or more))~~) if
23 the provider has a history of significant noncompliance with federal or
24 state regulations, rules, or laws in providing care or services to
25 vulnerable adults or to children.

26 (6) The department shall license an adult family home for the
27 maximum level of care that the adult family home may provide. The
28 department shall define, in rule, license levels based upon the
29 education, training, and caregiving experience of the licensed provider
30 or staff.

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

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

36 (9) The license fee shall be set at fifty dollars per year for each
37 home. A fifty dollar processing fee shall also be charged each home
38 when the home is initially licensed.

1 (10) A provider who receives notification of the department's
2 initiation of a denial, suspension, nonrenewal, or revocation of an
3 adult family home license may, in lieu of appealing the department's
4 action, surrender or relinquish the license. The department shall not
5 issue a new license to or contract with the provider, for the purposes
6 of providing care to vulnerable adults or children, for a period of
7 twenty years following the surrendering or relinquishment of the former
8 license. The licensing record shall indicate that the provider
9 relinquished or surrendered the license, without admitting the
10 violations, after receiving notice of the department's initiation of a
11 denial, suspension, nonrenewal, or revocation of a license.

12 (11) The department shall establish, by rule, the circumstances
13 requiring a change in the licensed provider, which include, but are not
14 limited to, a change in ownership or control of the adult family home
15 or provider, a change in the provider's form of legal organization,
16 such as from sole proprietorship to partnership or corporation, and a
17 dissolution or merger of the licensed entity with another legal
18 organization. The new provider is subject to the provisions of this
19 chapter, the rules adopted under this chapter, and other applicable
20 law. In order to ensure that the safety of residents is not
21 compromised by a change in provider, the new provider is responsible
22 for correction of all violations that may exist at the time of the new
23 license, including compliance with any plan of correction in effect
24 immediately prior to the change in provider. If any person affiliated
25 with the new provider was affiliated with a prior provider at the same
26 adult family home, then the prior provider's compliance and enforcement
27 record becomes part of the new provider's record at the adult family
28 home.

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