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HOUSE BILL 2098

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Darneille, Chase and Santos

Read first time 02/17/2005. Referred to Committee on Health Care.

1            AN ACT Relating to sanctions for adult family home providers; and  
2 amending RCW 70.128.160.

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

4            **Sec. 1.** RCW 70.128.160 and 2001 c 193 s 5 are each amended to read  
5 as follows:

6            (1) The department is authorized to take one or more of the actions  
7 listed in subsection (2) of this section in any case in which the  
8 department finds that an adult family home provider has:

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

11            (b) Operated an adult family home without a license or under a  
12 revoked license;

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

17            (d) Willfully prevented or interfered with any inspection or  
18 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 adult family home by imposing stop  
11 placement.

12 (3) If an employee is the cause of the problem identified under  
13 subsection (1) of this section, the department shall not suspend,  
14 revoke, or refuse to renew a license, and shall develop a corrective  
15 action plan to address the problem. When the department orders stop  
16 placement, the facility shall not admit any person until the stop  
17 placement order is terminated. The department may approve readmission  
18 of a resident to the facility from a hospital or nursing home during  
19 the stop placement. The department shall terminate the stop placement  
20 when: (a) The violations necessitating the stop placement have been  
21 corrected; and (b) the provider exhibits the capacity to maintain  
22 correction of the violations previously found deficient. However, if  
23 upon the revisit the department finds new violations that the  
24 department reasonably believes will result in a new stop placement, the  
25 previous stop placement shall remain in effect until the new stop  
26 placement is imposed.

27 (4) After a department finding of a violation for which a stop  
28 placement has been imposed, the department shall make an on-site  
29 revisit of the provider within fifteen working days from the request  
30 for revisit, to ensure correction of the violation. For violations  
31 that are serious or recurring or uncorrected following a previous  
32 citation, and create actual or threatened harm to one or more  
33 residents' well-being, including violations of residents' rights, the  
34 department shall make an on-site revisit as soon as appropriate to  
35 ensure correction of the violation. Verification of correction of all  
36 other violations may be made by either a department on-site revisit or  
37 by written or photographic documentation found by the department to be  
38 credible. This subsection does not prevent the department from

1 enforcing license suspensions or revocations. Nothing in this  
2 subsection shall interfere with or diminish the department's authority  
3 and duty to ensure that the provider adequately cares for residents,  
4 including to make departmental on-site revisits as needed to ensure  
5 that the provider protects residents, and to enforce compliance with  
6 this chapter.

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

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