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HOUSE BILL 2100

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State of Washington

59th Legislature

2005 Regular Session

By Representative Darneille

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

1 AN ACT Relating to sabbaticals for adult family home operators; and  
2 amending RCW 70.128.060.

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

4 **Sec. 1.** RCW 70.128.060 and 2004 c 140 s 3 are each amended to read  
5 as follows:

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

9 (2) Subject to the provisions of this section, the department shall  
10 issue a license to an adult family home if the department finds that  
11 the applicant and the home are in compliance with this chapter and the  
12 rules adopted under this chapter, unless (a) the applicant or a person  
13 affiliated with the applicant has prior violations of this chapter  
14 relating to the adult family home subject to the application or any  
15 other adult family home, or of any other law regulating residential  
16 care facilities within the past five years that resulted in revocation,  
17 suspension, or nonrenewal of a license or contract with the department;  
18 or (b) the applicant or a person affiliated with the applicant has a  
19 history of significant noncompliance with federal, state, or local

1 laws, rules, or regulations relating to the provision of care or  
2 services to vulnerable adults or to children. A person is considered  
3 affiliated with an applicant if the person is listed on the license  
4 application as a partner, officer, director, resident manager, or  
5 majority owner of the applying entity, or is the spouse of the  
6 applicant.

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

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

14 (5) The department shall not issue a license to a provider if the  
15 department finds that the provider or spouse of the provider or any  
16 partner, officer, director, managerial employee, or majority owner has  
17 a history of significant noncompliance with federal or state  
18 regulations, rules, or laws in providing care or services to vulnerable  
19 adults or to children.

20 (6) The department shall license an adult family home for the  
21 maximum level of care that the adult family home may provide. The  
22 department shall define, in rule, license levels based upon the  
23 education, training, and caregiving experience of the licensed provider  
24 or staff.

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

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

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

33 (10) A provider who receives notification of the department's  
34 initiation of a denial, suspension, nonrenewal, or revocation of an  
35 adult family home license may, in lieu of appealing the department's  
36 action, surrender or relinquish the license. The department shall not  
37 issue a new license to or contract with the provider, for the purposes  
38 of providing care to vulnerable adults or children, for a period of

1 twenty years following the surrendering or relinquishment of the former  
2 license. The licensing record shall indicate that the provider  
3 relinquished or surrendered the license, without admitting the  
4 violations, after receiving notice of the department's initiation of a  
5 denial, suspension, nonrenewal, or revocation of a license.

6 (11) The department shall establish, by rule, the circumstances  
7 requiring a change in the licensed provider, which include, but are not  
8 limited to, a change in ownership or control of the adult family home  
9 or provider, a change in the provider's form of legal organization,  
10 such as from sole proprietorship to partnership or corporation, and a  
11 dissolution or merger of the licensed entity with another legal  
12 organization. The new provider is subject to the provisions of this  
13 chapter, the rules adopted under this chapter, and other applicable  
14 law. In order to ensure that the safety of residents is not  
15 compromised by a change in provider, the new provider is responsible  
16 for correction of all violations that may exist at the time of the new  
17 license.

18 (12) The department shall, by rule, provide for an adult family  
19 home operator to take a sabbatical of up to twelve months without  
20 affecting their licensing status. To qualify for a sabbatical the  
21 operator must meet their annual training requirement, pay all  
22 applicable fees, and provide for the appropriate care of residents, as  
23 determined by the department.

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