
SECOND SUBSTITUTE HOUSE BILL 2914

State of Washington 59th Legislature 2006 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Roberts, Haler, Darneille, Kagi, Dickerson, Morrell, Hankins, Green and Simpson)

READ FIRST TIME 02/08/06.

1 AN ACT Relating to compliance with certification standards for
2 providers of residential services and support to persons with
3 developmental disabilities; adding a new section to chapter 71A.12 RCW;
4 creating a new section; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that residential
7 services and support programs for adults with developmental
8 disabilities include a wide range of care that plays an integral role
9 in assisting these adults in leading safe, productive, and enriched
10 lives. The legislature also finds that most providers of residential
11 services and support to persons with developmental disabilities deliver
12 beneficial assistance while promoting the health, safety, and well-
13 being of the clients they serve. The legislature intends to provide
14 the department of social and health services with additional means to
15 enforce the certification standards for residential services and
16 support programs for adults with developmental disabilities.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 71A.12 RCW
18 to read as follows:

1 (1) The department is authorized to take one or more of the
2 enforcement actions listed in subsection (2) of this section when the
3 department finds that a provider of residential services and support
4 with whom the department entered into an agreement with under this
5 chapter has:

6 (a) Failed or refused to comply with the requirements of this
7 chapter or the rules adopted under it;

8 (b) Failed or refused to cooperate with the certification process;

9 (c) Interfered with or prevented an inspection or investigation by
10 the department;

11 (d) Failed to comply with any applicable requirements regarding
12 vulnerable adults under chapter 74.34 RCW; or

13 (e) Knowingly, or with reason to know, made a false statement of
14 material fact related to certification or contracting with the
15 department, or in any matter under investigation by the department.

16 (2) The department may:

17 (a) Decertify or refuse to renew the certification of a provider;

18 (b) Impose conditions on a provider's certification status;

19 (c) Impose civil penalties of not more than three hundred dollars
20 per day per violation. Each day during which the same or similar
21 action or inaction occurs constitutes a separate violation;

22 (d) Suspend department referrals to the provider; or

23 (e) Require a provider to implement a plan of correction developed
24 by the department and to cooperate with subsequent monitoring of the
25 provider's progress.

26 (3) When determining the appropriate enforcement action or actions
27 under subsection (2) of this section, the department must select
28 actions commensurate with the seriousness of the harm or threat of harm
29 to the persons being served by the provider. Further, the department
30 may take enforcement actions that are more severe for violations that
31 are uncorrected, repeated, pervasive, or which present a serious threat
32 of harm to the health, safety, or welfare of persons served by the
33 provider. The department shall by rule develop criteria for the
34 selection and implementation of enforcement actions authorized in
35 subsection (2) of this section. Rules adopted under this section shall
36 include a process for an informal review upon request by a provider.

37 (4) The provisions of chapter 34.05 RCW apply to enforcement

1 actions under this section. Except for the imposition of civil
2 penalties, the effective date of enforcement actions shall not be
3 delayed or suspended pending any hearing or informal review.

4 (5) The enforcement actions and penalties authorized in this
5 section are not exclusive or exhaustive and nothing in this section
6 prohibits the department from taking any other action authorized in
7 statute or rule or under the terms of a contract with the provider.

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