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**SUBSTITUTE SENATE BILL 6810**

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**State of Washington**

**59th Legislature**

**2006 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senator Keiser)

READ FIRST TIME 02/02/06.

1 AN ACT Relating to temporary management in boarding homes; and  
2 adding a new section to chapter 18.20 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.20 RCW  
5 to read as follows:

6 (1) When the department has summarily suspended a license, the  
7 licensee may, subject to the department's approval, elect to  
8 participate in a temporary management program. All provisions of this  
9 section apply. The purposes of a temporary management program are:

10 (a) To mitigate dislocation and transfer trauma of residents while  
11 the department and licensee pursue dispute resolution or appeal of a  
12 summary suspension of license;

13 (b) To facilitate the continuity of safe and appropriate resident  
14 care and services;

15 (c) To preserve a residential option that either meets a  
16 specialized service need or is in a geographical area that has a lack  
17 of available providers, or both; and

18 (d) To provide residents with the opportunity for orderly  
19 discharge.

1 (2) Licensee participation in the temporary management program is  
2 voluntary. The department has the discretion to approve any temporary  
3 manager and the temporary management arrangements. The temporary  
4 management shall assume the total responsibility for the daily  
5 operations of the home.

6 (3) The temporary management shall contract with the licensee as an  
7 independent contractor and is responsible for ensuring that all minimum  
8 licensing requirements are met. The temporary management shall protect  
9 the health, safety, and well-being of the residents for the duration of  
10 the temporary management and shall perform all acts reasonably  
11 necessary to ensure that residents' needs are met. The licensee is  
12 responsible for all costs related to administering the temporary  
13 management program and contracting with the temporary management. The  
14 temporary management agreement must, at a minimum, address the  
15 following:

16 (a) Provision of liability insurance to protect residents and their  
17 property;

18 (b) Preservation of resident trust funds;

19 (c) The timely payment of past due or current accounts, operating  
20 expenses, including but not limited to staff compensation, and all debt  
21 that comes due during the period of the temporary management;

22 (d) The responsibilities for addressing all other financial  
23 obligations that would interfere with the ability of the temporary  
24 manager to provide adequate care and services to residents; and

25 (e) The authority of the temporary manager to manage the home,  
26 including the hiring, managing, and firing of employees for good cause,  
27 and to provide adequate care and services to residents.

28 (4) The licensee and department shall provide written notification  
29 immediately to all residents, legal representatives, interested family  
30 members, and the state long-term care ombudsman program of the  
31 temporary management and the reasons for it. This notification must  
32 include notice that residents may move from the home without notifying  
33 the licensee in advance, and without incurring any charges, fees, or  
34 costs otherwise available for insufficient advance notice, during the  
35 temporary management period.

36 (5) The temporary management period under this section concludes  
37 twenty-eight days after issuance of the formal notification of  
38 enforcement action or conclusion of administrative proceedings,

1 whichever date is later. Nothing in this section precludes the  
2 department from either revoking its approval of the temporary  
3 management or exercising its licensing enforcement authority under this  
4 chapter, or both. The department's decision whether to approve or to  
5 revoke a temporary management arrangement is not subject to the  
6 administrative procedure act, chapter 34.05 RCW.

7 (6) The department is authorized to adopt rules to implement this  
8 section.

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