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**SENATE BILL 5932**

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**State of Washington**                      **61st Legislature**                      **2009 Regular Session**

**By** Senators Fairley, Pflug, Parlette, Shin, Kohl-Welles, and McAuliffe

Read first time 02/09/09. Referred to Committee on Health & Long-Term Care.

1            AN ACT Relating to adult family homes; amending RCW 70.128.040; and  
2 adding a new section to chapter 70.128 RCW.

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

4            **Sec. 1.** RCW 70.128.040 and 2007 c 184 s 8 are each amended to read  
5 as follows:

6            (1) The department shall adopt rules and standards with respect to  
7 adult family homes and the operators thereof to be licensed under this  
8 chapter to carry out the purposes and requirements of this chapter.  
9 The rules and standards relating to applicants and operators shall  
10 address the differences between individual providers and providers that  
11 are partnerships, corporations, associations, or companies. The rules  
12 and standards shall also recognize and be appropriate to the different  
13 needs and capacities of the various populations served by adult family  
14 homes such as but not limited to persons who are developmentally  
15 disabled or elderly. In developing rules and standards the department  
16 shall recognize the residential family-like nature of adult family  
17 homes and not develop rules and standards which by their complexity  
18 serve as an overly restrictive barrier to the development of the adult  
19 family homes in the state. Procedures and forms established by the

1 department shall be developed so they are easy to understand and comply  
2 with. Paper work requirements shall be minimal. Easy to understand  
3 materials shall be developed for applicants and providers explaining  
4 licensure requirements and procedures.

5 (2)(a) In developing the rules and standards, the department shall  
6 consult with all divisions and administrations within the department  
7 serving the various populations living in adult family homes, including  
8 the division of developmental disabilities and the aging and adult  
9 services administration. Involvement by the divisions and  
10 administration shall be for the purposes of assisting the department to  
11 develop rules and standards appropriate to the different needs and  
12 capacities of the various populations served by adult family homes.  
13 During the initial stages of development of proposed rules, the  
14 department shall provide notice of development of the rules to  
15 organizations representing adult family homes and their residents, and  
16 other groups that the department finds appropriate. The notice shall  
17 state the subject of the rules under consideration and solicit written  
18 recommendations regarding their form and content.

19 (b) In addition, the department shall engage in negotiated rule  
20 making pursuant to RCW 34.05.310(2)(a) with the exclusive  
21 representative of the adult family home licensees selected in  
22 accordance with RCW 70.128.043 and with other affected interests before  
23 adopting requirements that affect adult family home licensees.

24 (3) Except where provided otherwise, chapter 34.05 RCW shall govern  
25 all department rule-making and adjudicative activities under this  
26 chapter.

27 (4) The department shall establish a specialty license to include  
28 geriatric specialty certification for providers who have successfully  
29 completed the University of Washington school of nursing certified  
30 geriatric certification program and testing.

31 NEW SECTION. Sec. 2. A new section is added to chapter 70.128 RCW  
32 to read as follows:

33 Restrictive covenants are void if they have the effect of limiting,  
34 in any way, directly or indirectly, the ability of persons with  
35 disabilities to live in the residence of their choice in the community,  
36 or limit, in any way, directly or indirectly, the ability of any  
37 persons associated with the disabled, including persons and legal

1 entities operating adult family homes licensed under chapter 70.128 RCW  
2 as for-profit businesses to provide housing, personal care, special  
3 care, and room and board to more than one but not more than six  
4 disabled, elderly, or vulnerable adults who are not related by blood or  
5 marriage to the person or persons providing the services to the  
6 disabled. This section shall apply to all adult family homes licensed  
7 under chapter 70.128 RCW and apply to existing adult family homes as  
8 well as future adult family homes.

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