

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1132**

64th Legislature  
2015 Regular Session

Passed by the House March 4, 2015  
Yeas 98 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate April 13, 2015  
Yeas 49 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1132** as passed by House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1132**

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Passed Legislature - 2015 Regular Session

**State of Washington                      64th Legislature                      2015 Regular Session**

**By** House Health Care & Wellness (originally sponsored by Representatives Tharinger, Harris, Wylie, Van De Wege, Johnson, Lytton, Fey, Riccelli, Jenkins, Buys, Cody, Appleton, Ortiz-Self, Hayes, Gregerson, and Short)

READ FIRST TIME 02/17/15.

1            AN ACT Relating to the regulation of adult family homes; and  
2 amending RCW 70.128.060 and 70.128.120.

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

4            **Sec. 1.** RCW 70.128.060 and 2013 c 300 s 2 are each amended to  
5 read as follows:

6            (1) An application for license shall be made to the department  
7 upon 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  
10 shall issue a license to an adult family home if the department finds  
11 that the applicant and the home are in compliance with this chapter  
12 and the rules adopted under this chapter. The department may not  
13 issue a license if (a) the applicant or a person affiliated with the  
14 applicant has prior violations of this chapter relating to the adult  
15 family home subject to the application or any other adult family  
16 home, or of any other law regulating residential care facilities  
17 within the past ten years that resulted in revocation, suspension, or  
18 nonrenewal of a license or contract with the department; or (b) the  
19 applicant or a person affiliated with the applicant has a history of  
20 significant noncompliance with federal, state, or local laws, rules,  
21 or regulations relating to the provision of care or services to

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

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

6 (4) Proof of financial solvency must be submitted when requested  
7 by the department.

8 (5) 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  
13 receipt of the notice of denial.

14 (6) 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  
17 has a history of significant noncompliance with federal or state  
18 regulations, rules, or laws in providing care or services to  
19 vulnerable adults or to children.

20 (7) 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  
24 provider or staff.

25 (8) For adult family homes that serve residents with special  
26 needs such as dementia, developmental disabilities, or mental  
27 illness, specialty training is required of providers and resident  
28 managers consistent with RCW 70.128.230, and also is required for  
29 caregivers, with standardized competency testing for caregivers hired  
30 after July 28, 2013, as set forth by the department in rule. The  
31 department shall examine, with input from experts, providers,  
32 consumers, and advocates, whether the existing specialty training  
33 courses are adequate for providers, resident managers, and caregivers  
34 to meet these residents' special needs, are sufficiently standardized  
35 in curricula and instructional techniques, and are accompanied by  
36 effective tools to fairly evaluate successful student completion. The  
37 department may enhance the existing specialty training requirements  
38 by rule, and may update curricula, instructional techniques, and  
39 competency testing based upon its review and stakeholder input. In  
40 addition, the department shall examine, with input from experts,

1 providers, consumers, and advocates, whether additional specialty  
2 training categories should be created for adult family homes serving  
3 residents with other special needs, such as traumatic brain injury,  
4 skilled nursing, or bariatric care. The department may establish, by  
5 rule, additional specialty training categories and requirements for  
6 providers, resident managers, and caregivers, if needed to better  
7 serve residents with such special needs.

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

10 (10) The department shall establish, by rule, for multiple  
11 facility operators educational standards substantially equivalent to  
12 recognized national certification standards for residential care  
13 administrators.

14 (11)(a)(i) At the time of an application for an adult family home  
15 license and upon the annual fee renewal date set by the department,  
16 the licensee shall pay a license fee. Beginning July 1, 2011, the per  
17 bed license fee and any processing fees, including the initial  
18 license fee, must be established in the omnibus appropriations act  
19 and any amendment or additions made to that act. The license fees  
20 established in the omnibus appropriations act and any amendment or  
21 additions made to that act may not exceed the department's annual  
22 licensing and oversight activity costs and must include the  
23 department's cost of paying providers for the amount of the license  
24 fee attributed to medicaid clients.

25 (ii) In addition to the fees established in (a)(i) of this  
26 subsection, the department shall charge the licensee a nonrefundable  
27 fee in the event of a change in ownership of the adult family home.  
28 The fee must be established in the omnibus appropriations act and any  
29 amendment or additions made to that act.

30 (b) The department may authorize a one-time waiver of all or any  
31 portion of the licensing, processing, or change of ownership fees  
32 required under this subsection (11) in any case in which the  
33 department determines that an adult family home is being relicensed  
34 because of exceptional circumstances, such as death or incapacity of  
35 a provider, and that to require the full payment of the licensing,  
36 processing, or change of ownership fees would present a hardship to  
37 the applicant.

38 (12) A provider who receives notification of the department's  
39 initiation of a denial, suspension, nonrenewal, or revocation of an  
40 adult family home license may, in lieu of appealing the department's

1 action, surrender or relinquish the license. The department shall not  
2 issue a new license to or contract with the provider, for the  
3 purposes of providing care to vulnerable adults or children, for a  
4 period of twenty years following the surrendering or relinquishment  
5 of the former license. The licensing record shall indicate that the  
6 provider relinquished or surrendered the license, without admitting  
7 the violations, after receiving notice of the department's initiation  
8 of a denial, suspension, nonrenewal, or revocation of a license.

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

21 **Sec. 2.** RCW 70.128.120 and 2013 c 39 s 21 are each amended to  
22 read as follows:

23 Each adult family home provider, applicant, and each resident  
24 manager shall have the following minimum qualifications, except that  
25 only applicants are required to meet the provisions of subsections  
26 (10) and (11) of this section:

27 (1) Twenty-one years of age or older;

28 (2) For those applying after September 1, 2001, to be licensed as  
29 providers, and for resident managers whose employment begins after  
30 September 1, 2001, a United States high school diploma or high school  
31 equivalency certificate as provided in RCW 28B.50.536 or any English  
32 or translated government documentation of the following:

33 (a) Successful completion of government-approved public or  
34 private school education in a foreign country that includes an annual  
35 average of one thousand hours of instruction over twelve years or no  
36 less than twelve thousand hours of instruction;

37 (b) A foreign college, foreign university, or United States  
38 community college two-year diploma;

1 (c) Admission to, or completion of coursework at, a foreign  
2 university or college for which credit was granted;

3 (d) Admission to, or completion of coursework at, a United States  
4 college or university for which credits were awarded;

5 (e) Admission to, or completion of postgraduate coursework at, a  
6 United States college or university for which credits were awarded;  
7 or

8 (f) Successful passage of the United States board examination for  
9 registered nursing, or any professional medical occupation for which  
10 college or university education preparation was required;

11 (3) Good moral and responsible character and reputation;

12 (4) Literacy and the ability to communicate in the English  
13 language;

14 (5) Management and administrative ability to carry out the  
15 requirements of this chapter;

16 (6) Satisfactory completion of department-approved basic training  
17 and continuing education training as required by RCW 74.39A.074, and  
18 in rules adopted by the department;

19 (7) Satisfactory completion of department-approved, or  
20 equivalent, special care training before a provider may provide  
21 special care services to a resident;

22 (8) Not been convicted of any crime that is disqualifying under  
23 RCW 43.43.830 or 43.43.842, or department rules adopted under this  
24 chapter, or been found to have abused, neglected, exploited, or  
25 abandoned a minor or vulnerable adult as specified in RCW  
26 74.39A.056(2);

27 (9) For those applying to be licensed as providers, and for  
28 resident managers whose employment begins after August 24, 2011, at  
29 least one thousand hours in the previous sixty months of successful,  
30 direct caregiving experience obtained after age eighteen to  
31 vulnerable adults in a licensed or contracted setting prior to  
32 operating or managing an adult family home. The applicant or resident  
33 manager must have credible evidence of the successful, direct  
34 caregiving experience or, currently hold one of the following  
35 professional licenses: Physician licensed under chapter 18.71 RCW;  
36 osteopathic physician licensed under chapter 18.57 RCW; osteopathic  
37 physician assistant licensed under chapter 18.57A RCW; physician  
38 assistant licensed under chapter 18.71A RCW; registered nurse,  
39 advanced registered nurse practitioner, or licensed practical nurse  
40 licensed under chapter 18.79 RCW;

1 (10) For applicants, proof of financial solvency, as defined in  
2 rule; and

3 (11) Applicants must successfully complete an adult family home  
4 administration and business planning class, prior to being granted a  
5 license. The class must be a minimum of forty-eight hours of  
6 classroom time and approved by the department. The department shall  
7 promote and prioritize bilingual capabilities within available  
8 resources and when materials are available for this purpose. Under  
9 exceptional circumstances, such as the sudden and unexpected death of  
10 a provider, the department may consider granting a license to an  
11 applicant who has not completed the class but who meets all other  
12 requirements. If the department decides to grant the license due to  
13 exceptional circumstances, the applicant must have enrolled in or  
14 completed the class within four months of licensure.

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