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HOUSE BILL 2027

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State of Washington

65th Legislature

2017 Regular Session

By Representative Kilduff

Read first time 02/08/17. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the regulation of adult family homes; and  
2 amending RCW 70.128.090 and 70.128.130.

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

4 **Sec. 1.** RCW 70.128.090 and 2001 c 319 s 7 are each amended to  
5 read as follows:

6 (1) During inspections of an adult family home, the department  
7 shall have access and authority to examine areas and articles in the  
8 home used to provide care or support to residents, including  
9 residents' records, accounts, and the physical premises, including  
10 the buildings, grounds, and equipment. The personal records of the  
11 provider are not subject to department inspection nor is the separate  
12 bedroom of the provider, not used in direct care of a client, subject  
13 to review. The department may inspect all rooms during the initial  
14 licensing of the home. However, during a complaint investigation, the  
15 department shall have access to the entire premises and all pertinent  
16 records when necessary to conduct official business. The department  
17 also shall have the authority to interview the provider and residents  
18 of an adult family home. For the purpose of assessing an adult family  
19 home's ability to promote a residential home-like environment within  
20 the neighborhood by maintaining exterior standards related to a well-  
21 maintained and uncluttered outdoor area, each inspection must include

1 an interview with at least three neighborhood residents who live  
2 within five hundred feet of the adult family home, unless the  
3 location of the adult family home makes the interviews impractical.

4 (2) Whenever an inspection is conducted, the department shall  
5 prepare a written report that summarizes all information obtained  
6 during the inspection, and if the home is in violation of this  
7 chapter, serve a copy of the inspection report upon the provider at  
8 the same time as a notice of violation. This notice shall be mailed  
9 to the provider within ten working days of the completion of the  
10 inspection process. If the home is not in violation of this chapter,  
11 a copy of the inspection report shall be mailed to the provider  
12 within ten calendar days of the inspection of the home. All  
13 inspection reports shall be made available to the public at the  
14 department during business hours.

15 (3) The provider shall develop corrective measures for any  
16 violations found by the department's inspection. The department shall  
17 upon request provide consultation and technical assistance to assist  
18 the provider in developing effective corrective measures. The  
19 department shall include a statement of the provider's corrective  
20 measures in the department's inspection report.

21 **Sec. 2.** RCW 70.128.130 and 2012 c 164 s 704 are each amended to  
22 read as follows:

23 (1) The provider is ultimately responsible for the day-to-day  
24 operations of each licensed adult family home.

25 (2) The provider shall promote the health, safety, and well-being  
26 of each resident residing in each licensed adult family home.

27 (3) Adult family homes shall be maintained internally and  
28 externally in good repair and condition. Such homes shall have safe  
29 and functioning systems for heating, cooling, hot and cold water,  
30 electricity, plumbing, garbage disposal, sewage, cooking, laundry,  
31 artificial and natural light, ventilation, and any other feature of  
32 the home.

33 (4) In order to preserve and promote the residential home-like  
34 nature of adult family homes, adult family homes licensed after  
35 August 24, 2011, shall:

36 (a) Have sufficient space to accommodate all residents at one  
37 time in the dining and living room areas;

38 (b) Have hallways and doorways wide enough to accommodate  
39 residents who use mobility aids such as wheelchairs and walkers; and

1 (c) Have outdoor areas that are:

2 (i) Safe ((and)) for residents to use;

3 (ii) Accessible ((for)) to residents ((to use)), caregivers,  
4 visitors, and fire services; and

5 (iii) Well-maintained and uncluttered without any accumulation of  
6 garbage, debris, or offensive odors.

7 (5) The adult family home must provide all residents access to  
8 resident common areas throughout the adult family home including, but  
9 not limited to, kitchens, dining and living areas, and bathrooms, to  
10 the extent that they are safe under the resident's care plan.

11 (6) Adult family homes shall be maintained in a clean and  
12 sanitary manner, including proper sewage disposal, food handling, and  
13 hygiene practices.

14 (7) Adult family homes shall develop a fire drill plan for  
15 emergency evacuation of residents, shall have working smoke detectors  
16 in each bedroom where a resident is located, shall have working fire  
17 extinguishers on each floor of the home, and shall not keep  
18 nonambulatory patients above the first floor of the home.

19 (8) The adult family home shall ensure that all residents can be  
20 safely evacuated in an emergency.

21 (9) Adult family homes shall have clean, functioning, and safe  
22 household items and furnishings.

23 (10) Adult family homes shall provide a nutritious and balanced  
24 diet and shall recognize residents' needs for special diets.

25 (11) Adult family homes shall establish health care procedures  
26 for the care of residents including medication administration and  
27 emergency medical care.

28 (a) Adult family home residents shall be permitted to self-  
29 administer medications.

30 (b) Adult family home providers may administer medications and  
31 deliver special care only to the extent authorized by law.

32 (12) Adult family home providers shall either: (a) Reside at the  
33 adult family home; or (b) employ or otherwise contract with a  
34 qualified resident manager to reside at the adult family home. The  
35 department may exempt, for good cause, a provider from the  
36 requirements of this subsection by rule.

37 (13) A provider will ensure that any volunteer, student,  
38 employee, or person residing within the adult family home who will  
39 have unsupervised access to any resident shall not have been  
40 convicted of a crime listed under RCW 43.43.830 or 43.43.842, or been

1 found to have abused, neglected, exploited, or abandoned a minor or  
2 vulnerable adult as specified in RCW 74.39A.056(2). A provider may  
3 conditionally employ a person pending the completion of a criminal  
4 conviction background inquiry, but may not allow the person to have  
5 unsupervised access to any resident.

6 (14) A provider shall offer activities to residents under care as  
7 defined by the department in rule.

8 (15) An adult family home must be financially solvent, and upon  
9 request for good cause, shall provide the department with detailed  
10 information about the home's finances. Financial records of the adult  
11 family home may be examined when the department has good cause to  
12 believe that a financial obligation related to resident care or  
13 services will not be met.

14 (16) An adult family home provider must ensure that staff are  
15 competent and receive necessary training to perform assigned tasks.  
16 Staff must satisfactorily complete department-approved staff  
17 orientation, basic training, and continuing education as specified by  
18 the department by rule. The provider shall ensure that a qualified  
19 caregiver is on-site whenever a resident is at the adult family home;  
20 any exceptions will be specified by the department in rule.  
21 Notwithstanding RCW 70.128.230, until orientation and basic training  
22 are successfully completed, a caregiver may not provide hands-on  
23 personal care to a resident without on-site supervision by a person  
24 who has successfully completed basic training or been exempted from  
25 the training pursuant to statute.

26 (17) The provider and resident manager must assure that there is:

27 (a) A mechanism to communicate with the resident in his or her  
28 primary language either through a qualified person on-site or readily  
29 available at all times, or other reasonable accommodations, such as  
30 language lines; and

31 (b) Staff on-site at all times capable of understanding and  
32 speaking English well enough to be able to respond appropriately to  
33 emergency situations and be able to read and understand resident care  
34 plans.

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