
HOUSE BILL 1827

State of Washington

66th Legislature

2019 Regular Session

By Representatives Kilduff, Leavitt, Ortiz-Self, and Morgan

Read first time 01/31/19. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to protecting the health and safety of adult
2 family home residents through admission standards related to certain
3 residents and reporting requirements; amending RCW 70.128.005,
4 70.128.280, 9A.44.130, and 70.128.130; and adding new sections to
5 chapter 70.128 RCW.

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

7 **Sec. 1.** RCW 70.128.005 and 2011 1st sp.s. c 3 s 201 are each
8 amended to read as follows:

9 (1) The legislature finds that:

10 (a) Adult family homes are an important part of the state's long-
11 term care system. Adult family homes provide an alternative to
12 institutional care and promote a high degree of independent living
13 for residents.

14 (b) Persons with functional limitations have broadly varying
15 service needs. Adult family homes that can meet those needs are an
16 essential component of a long-term system. Different populations
17 living in adult family homes, such as persons with developmental
18 disabilities and elderly persons, often have significantly different
19 needs and capacities from one another.

20 (c) There is a need to update certain restrictive covenants to
21 take into consideration the legislative findings cited in (a) and (b)

1 of this subsection; the need to prevent or reduce
2 institutionalization; and the legislative and judicial mandates to
3 provide care and services in the least restrictive setting
4 appropriate to the needs of the individual. Restrictive covenants
5 which directly or indirectly restrict or prohibit the use of property
6 for adult family homes (i) are contrary to the public interest served
7 by establishing adult family homes and (ii) discriminate against
8 individuals with disabilities in violation of RCW 49.60.224.

9 (2) It is the legislature's intent that department rules and
10 policies relating to the licensing and operation of adult family
11 homes recognize and accommodate the different needs and capacities of
12 the various populations served by the homes. Furthermore, the
13 development and operation of adult family homes that promote the
14 health, welfare, and safety of residents, and provide quality
15 personal care and special care services should be encouraged.

16 (3) The legislature finds that many residents of community-based
17 long-term care facilities are vulnerable and their health and (~~well-~~
18 ~~being~~) welfare are dependent on their caregivers. The quality,
19 skills, and knowledge of their caregivers are the key to good care.
20 The legislature finds that the need for well-trained caregivers is
21 growing as the state's population ages and residents' needs increase.
22 The legislature intends that current training standards be enhanced.

23 (4) The legislature finds that the state of Washington has a
24 compelling interest in developing and enforcing standards that
25 promote the health, welfare, and safety of vulnerable adults residing
26 in adult family homes. The health, safety, and (~~well-being~~) welfare
27 of vulnerable adults must be the paramount concern in the security
28 and operation of an adult family home and in determining whether to
29 issue a license to an applicant, whether to suspend or revoke a
30 license, or whether to take other licensing actions.

31 **Sec. 2.** RCW 70.128.280 and 2013 c 300 s 3 are each amended to
32 read as follows:

33 (1) In order to enhance the selection of an appropriate adult
34 family home, all adult family homes licensed under this chapter shall
35 disclose the scope of, and charges for, the care, services, and
36 activities provided by the home or customarily arranged for by the
37 home. The disclosure must be provided to the home's residents and the
38 residents' representatives, if any, prior to admission, and to
39 interested prospective residents and their representatives upon

1 request, using standardized disclosure forms developed by the
2 department with stakeholders' input. The home may also disclose
3 supplemental information to prospective residents and other
4 interested persons.

5 (2) (a) The disclosure forms that the department develops must be
6 standardized, reasonable in length, and easy to read. The form
7 setting forth the scope of an adult family home's care, services, and
8 activities must be available from the adult family home through a
9 link to the department's web site developed pursuant to this section.
10 This form must indicate, among other categories, the scope of
11 personal care and medication service provided, the scope of skilled
12 nursing services or nursing delegation provided or available, any
13 specialty care designations held by the adult family home, the
14 customary number of caregivers present during the day and whether the
15 home has awake staff at night, any particular cultural or language
16 access available, and clearly state whether the home admits medicaid
17 clients or retains residents who later become eligible for medicaid.
18 The adult family home shall provide or arrange for the care,
19 services, and activities disclosed in its form.

20 (b) The department must also develop a second standardized
21 disclosure form with stakeholders' input for use by adult family
22 homes to set forth an adult family home's charges for its care,
23 services, items, and activities, including the charges not covered by
24 the home's daily or monthly rate, or by medicaid, medicare, or other
25 programs. This form must be available from the home and disclosed to
26 residents and their representatives, if any, prior to admission, and
27 to interested prospective residents and their representatives upon
28 request.

29 (3) (a) If the adult family home decreases the scope of care,
30 services, or activities it provides, due to circumstances beyond the
31 home's control, the home shall provide a minimum of thirty days'
32 written notice to the residents, and the residents' representative if
33 any, before the effective date of the decrease in the scope of care,
34 services, or activities provided.

35 (b) If the adult family home voluntarily decreases the scope of
36 care, services, or activities it provides, and any such decrease will
37 result in the discharge of one or more residents, then ninety days'
38 written notice must be provided prior to the effective date of the
39 decrease. Notice must be given to the residents and the residents'
40 representative, if any.

1 (c) If the adult family home increases the scope of care,
2 services, or activities it provides, the home shall promptly provide
3 written notice to the residents, and the residents' representative if
4 any, and shall indicate the date on which the increase is effective.

5 (4) When the care needs of a resident exceed the disclosed scope
6 of care or services that the adult family home provides, the home may
7 exceed the care or services previously disclosed, provided that the
8 additional care or services are permitted by the adult family home's
9 license, and the home can safely and appropriately serve the resident
10 with available staff or through the provision of reasonable
11 accommodations required by state or federal law. The provision of
12 care or services to a resident that exceed those previously disclosed
13 by the home does not mean that the home is capable of or required to
14 provide the same care or services to other residents, unless required
15 as a reasonable accommodation under state or federal law.

16 (5) An adult family home (~~(may deny admission to)~~) shall only
17 admit a prospective resident if the home determines that the needs of
18 the prospective resident (~~(cannot)~~) can be met, and the prospective
19 resident is not likely to pose a substantial risk to the health,
20 welfare, and safety of any other resident, so long as the adult
21 family home operates in compliance with state and federal law,
22 including RCW 70.129.030(3) and the reasonable accommodation
23 requirements of state and federal antidiscrimination laws.

24 (6) The department shall work with consumers, advocates, and
25 other stakeholders to combine and improve existing web resources to
26 create a more robust, comprehensive, and user-friendly web site for
27 family members, residents, and prospective residents of adult family
28 homes in Washington. The department may contract with outside vendors
29 and experts to assist in the development of the web site. The web
30 site should be easy to navigate and have links to information
31 important for residents, prospective residents, and their family
32 members or representatives including, but not limited to: (a)
33 Explanations of the types of licensed long-term care facilities,
34 levels of care, and specialty designations; (b) lists of suggested
35 questions when looking for a care facility; (c) warning signs of
36 abuse, neglect, or financial exploitation; and (d) contact
37 information for the department and the long-term care (~~(ombudsman~~
38 ~~[ombuds])~~) ombuds. In addition, the consumer oriented web site should
39 include a searchable list of all adult family homes in Washington,
40 with links to inspection and investigation reports and any

1 enforcement actions by the department for the previous three years.
2 If a violation or enforcement remedy is deleted, rescinded, or
3 modified under RCW 70.128.167 or chapter 34.05 RCW, the department
4 shall make the appropriate changes to the information on the web site
5 as soon as reasonably feasible, but no later than thirty days after
6 the violation or enforcement remedy has been deleted, rescinded, or
7 modified. To facilitate the comparison of adult family homes, the web
8 site should also include a link to each licensed adult family home's
9 disclosure form required by subsection (2)(a) of this section. The
10 department's web site should also include periodically updated
11 information about whether an adult family home has a current vacancy,
12 if the home provides such information to the department, or may
13 include links to other consumer-oriented web sites with the vacancy
14 information.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.128
16 RCW to read as follows:

17 (1) Prior to admission to an adult family home, a person who has
18 been convicted of a serious violent offense as defined in RCW
19 9.94A.030 or a sex offense as defined in RCW 9.94A.030, or the
20 person's representative, shall disclose to the adult family home
21 employee responsible for processing the person's admission to the
22 home, the details of the person's criminal history, including any
23 specific offenses for which the person was convicted, the dates of
24 any offenses, and the location of any offenses.

25 (2) If a provider or resident manager of an adult family home
26 receives information from a person under subsection (1) of this
27 section or a fact sheet under RCW 9A.44.130, and the home admits the
28 person, the provider or resident manager of the home shall distribute
29 the disclosure information or the fact sheet to all residents. If the
30 provider or resident manager of the adult family home determines that
31 the distribution to a resident is not appropriate due to the
32 resident's medical, emotional, or mental status, the provider or
33 resident manager of the home shall distribute the disclosed
34 information or the fact sheet to the resident's representative or
35 emergency contact.

36 (3) If a provider or resident manager discovers that a resident
37 who is required to make a disclosure under subsection (1) of this
38 section fails to disclose the information, the adult family home may
39 consider the failure to disclose as grounds for transfer and

1 discharge of the resident. When an adult family home has grounds for
2 transfer and discharge under this subsection, it may notify the
3 resident that the provider intends to transfer and discharge the
4 resident. If the provider decides to transfer and discharge the
5 resident, the provider must provide the resident with at least thirty
6 days' notice in writing and provide the resident with all necessary
7 discharge planning services.

8 **Sec. 4.** RCW 9A.44.130 and 2017 c 174 s 3 are each amended to
9 read as follows:

10 (1)(a) Any adult or juvenile residing whether or not the person
11 has a fixed residence, or who is a student, is employed, or carries
12 on a vocation in this state who has been found to have committed or
13 has been convicted of any sex offense or kidnapping offense, or who
14 has been found not guilty by reason of insanity under chapter 10.77
15 RCW of committing any sex offense or kidnapping offense, shall
16 register with the county sheriff for the county of the person's
17 residence, or if the person is not a resident of Washington, the
18 county of the person's school, or place of employment or vocation, or
19 as otherwise specified in this section. When a person required to
20 register under this section is in custody of the state department of
21 corrections, the state department of social and health services, a
22 local division of youth services, or a local jail or juvenile
23 detention facility as a result of a sex offense or kidnapping
24 offense, the person shall also register at the time of release from
25 custody with an official designated by the agency that has
26 jurisdiction over the person.

27 (b) Any adult or juvenile who is required to register under (a)
28 of this subsection must give notice to the county sheriff of the
29 county with whom the person is registered within three business days:

30 (i) Prior to arriving at a school or institution of higher
31 education to attend classes;

32 (ii) Prior to starting work at an institution of higher
33 education; or

34 (iii) After any termination of enrollment or employment at a
35 school or institution of higher education.

36 (2)(a) A person required to register under this section must
37 provide the following information when registering: (i) Name and any
38 aliases used; (ii) complete and accurate residential address or, if
39 the person lacks a fixed residence, where he or she plans to stay;

1 (iii) date and place of birth; (iv) place of employment; (v) crime
2 for which convicted; (vi) date and place of conviction; (vii) social
3 security number; (viii) photograph; and (ix) fingerprints.

4 (b) A person may be required to update any of the information
5 required in this subsection in conjunction with any address
6 verification conducted by the county sheriff or as part of any notice
7 required by this section.

8 (c) A photograph or copy of an individual's fingerprints, which
9 may include palmprints may be taken at any time to update an
10 individual's file.

11 (3) Any person required to register under this section who
12 intends to travel outside the United States must provide, by
13 certified mail, with return receipt requested, or in person, signed
14 written notice of the plan to travel outside the country to the
15 county sheriff of the county with whom the person is registered at
16 least twenty-one days prior to travel. The notice shall include the
17 following information: (a) Name; (b) passport number and country; (c)
18 destination; (d) itinerary details including departure and return
19 dates; (e) means of travel; and (f) purpose of travel. If the
20 offender subsequently cancels or postpones travel outside the United
21 States, the offender must notify the county sheriff not later than
22 three days after cancellation or postponement of the intended travel
23 outside the United States or on the departure date provided in the
24 notification, whichever is earlier. The county sheriff shall notify
25 the United States marshals service as soon as practicable after
26 receipt of the notification. In cases of unexpected travel due to
27 family or work emergencies, or for offenders who travel routinely
28 across international borders for work-related purposes, the notice
29 must be submitted in person at least twenty-four hours prior to
30 travel to the sheriff of the county where such offenders are
31 registered with a written explanation of the circumstances that make
32 compliance with this subsection (3) impracticable.

33 (4)(a) Offenders shall register with the county sheriff within
34 the following deadlines:

35 (i) OFFENDERS IN CUSTODY. Sex offenders or kidnapping offenders
36 who are in custody of the state department of corrections, the state
37 department of social and health services, a local division of youth
38 services, or a local jail or juvenile detention facility, must
39 register at the time of release from custody with an official
40 designated by the agency that has jurisdiction over the offender. The

1 agency shall within three days forward the registration information
2 to the county sheriff for the county of the offender's anticipated
3 residence. The offender must also register within three business days
4 from the time of release with the county sheriff for the county of
5 the person's residence, or if the person is not a resident of
6 Washington, the county of the person's school, or place of employment
7 or vocation. The agency that has jurisdiction over the offender shall
8 provide notice to the offender of the duty to register.

9 When the agency with jurisdiction intends to release an offender
10 with a duty to register under this section, and the agency has
11 knowledge that the offender is eligible for developmental disability
12 services from the department of social and health services, the
13 agency shall notify the division of developmental disabilities of the
14 release. Notice shall occur not more than thirty days before the
15 offender is to be released. The agency and the division shall assist
16 the offender in meeting the initial registration requirement under
17 this section. Failure to provide such assistance shall not constitute
18 a defense for any violation of this section.

19 When a person required to register under this section is in the
20 custody of the state department of corrections or a local corrections
21 or probations agency and has been approved for partial confinement as
22 defined in RCW 9.94A.030, the person must register at the time of
23 transfer to partial confinement with the official designated by the
24 agency that has jurisdiction over the offender. The agency shall
25 within three days forward the registration information to the county
26 sheriff for the county in which the offender is in partial
27 confinement. The offender must also register within three business
28 days from the time of the termination of partial confinement or
29 release from confinement with the county sheriff for the county of
30 the person's residence. The agency that has jurisdiction over the
31 offender shall provide notice to the offender of the duty to
32 register.

33 (ii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders or
34 kidnapping offenders who are in the custody of the United States
35 bureau of prisons or other federal or military correctional agency
36 must register within three business days from the time of release
37 with the county sheriff for the county of the person's residence, or
38 if the person is not a resident of Washington, the county of the
39 person's school, or place of employment or vocation.

1 (iii) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
2 who are convicted of a sex offense and kidnapping offenders who are
3 convicted for a kidnapping offense but who are not sentenced to serve
4 a term of confinement immediately upon sentencing shall report to the
5 county sheriff to register within three business days of being
6 sentenced.

7 (iv) OFFENDERS WHO ARE NEW RESIDENTS, TEMPORARY RESIDENTS, OR
8 RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping
9 offenders who move to Washington state from another state or a
10 foreign country must register within three business days of
11 establishing residence or reestablishing residence if the person is a
12 former Washington resident. If the offender is under the jurisdiction
13 of an agency of this state when the offender moves to Washington, the
14 agency shall provide notice to the offender of the duty to register.

15 Sex offenders and kidnapping offenders who are visiting
16 Washington state and intend to reside or be present in the state for
17 ten days or more shall register his or her temporary address or where
18 he or she plans to stay with the county sheriff of each county where
19 the offender will be staying within three business days of arrival.
20 Registration for temporary residents shall include the information
21 required by subsection (2)(a) of this section, except the photograph
22 and fingerprints.

23 (v) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
24 or juvenile who has been found not guilty by reason of insanity under
25 chapter 10.77 RCW of committing a sex offense or a kidnapping offense
26 and who is in custody, as a result of that finding, of the state
27 department of social and health services, must register within three
28 business days from the time of release with the county sheriff for
29 the county of the person's residence. The state department of social
30 and health services shall provide notice to the adult or juvenile in
31 its custody of the duty to register.

32 (vi) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a
33 fixed residence and leaves the county in which he or she is
34 registered and enters and remains within a new county for twenty-four
35 hours is required to register with the county sheriff not more than
36 three business days after entering the county and provide the
37 information required in subsection (2)(a) of this section.

38 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER
39 SUPERVISION. Offenders who lack a fixed residence and who are under

1 the supervision of the department shall register in the county of
2 their supervision.

3 (viii) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR
4 ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in
5 Washington, who move to another state, or who work, carry on a
6 vocation, or attend school in another state shall register a new
7 address, fingerprints, and photograph with the new state within three
8 business days after establishing residence, or after beginning to
9 work, carry on a vocation, or attend school in the new state. The
10 person must also send written notice within three business days of
11 moving to the new state or to a foreign country to the county sheriff
12 with whom the person last registered in Washington state. The county
13 sheriff shall promptly forward this information to the Washington
14 state patrol.

15 (b) The county sheriff shall not be required to determine whether
16 the person is living within the county.

17 (c) An arrest on charges of failure to register, service of an
18 information, or a complaint for a violation of RCW 9A.44.132, or
19 arraignment on charges for a violation of RCW 9A.44.132, constitutes
20 actual notice of the duty to register. Any person charged with the
21 crime of failure to register under RCW 9A.44.132 who asserts as a
22 defense the lack of notice of the duty to register shall register
23 within three business days following actual notice of the duty
24 through arrest, service, or arraignment. Failure to register as
25 required under this subsection (4)(c) constitutes grounds for filing
26 another charge of failing to register. Registering following arrest,
27 service, or arraignment on charges shall not relieve the offender
28 from criminal liability for failure to register prior to the filing
29 of the original charge.

30 (5)(a) If any person required to register pursuant to this
31 section changes his or her residence address within the same county,
32 the person must provide, by certified mail, with return receipt
33 requested or in person, signed written notice of the change of
34 address to the county sheriff within three business days of moving.

35 (b) If any person required to register pursuant to this section
36 moves to a new county, within three business days of moving the
37 person must register with the county sheriff of the county into which
38 the person has moved and provide, by certified mail, with return
39 receipt requested or in person, signed written notice of the change
40 of address to the county sheriff with whom the person last

1 registered. The county sheriff with whom the person last registered
2 is responsible for address verification pursuant to RCW 9A.44.135
3 until the person completes registration of his or her new residence
4 address.

5 (6) (a) Any person required to register under this section who
6 lacks a fixed residence shall provide signed written notice to the
7 sheriff of the county where he or she last registered within three
8 business days after ceasing to have a fixed residence. The notice
9 shall include the information required by subsection (2) (a) of this
10 section, except the photograph, fingerprints, and palmprints. The
11 county sheriff may, for reasonable cause, require the offender to
12 provide a photograph and fingerprints. The sheriff shall forward this
13 information to the sheriff of the county in which the person intends
14 to reside, if the person intends to reside in another county.

15 (b) A person who lacks a fixed residence must report weekly, in
16 person, to the sheriff of the county where he or she is registered.
17 The weekly report shall be on a day specified by the county sheriff's
18 office, and shall occur during normal business hours. The person must
19 keep an accurate accounting of where he or she stays during the week
20 and provide it to the county sheriff upon request. The lack of a
21 fixed residence is a factor that may be considered in determining an
22 offender's risk level and shall make the offender subject to
23 disclosure of information to the public at large pursuant to RCW
24 4.24.550.

25 (c) If any person required to register pursuant to this section
26 does not have a fixed residence, it is an affirmative defense to the
27 charge of failure to register, that he or she provided written notice
28 to the sheriff of the county where he or she last registered within
29 three business days of ceasing to have a fixed residence and has
30 subsequently complied with the requirements of subsections (4) (a) (vi)
31 or (vii) and (6) of this section. To prevail, the person must prove
32 the defense by a preponderance of the evidence.

33 (7) A sex offender subject to registration requirements under
34 this section who applies to change his or her name under RCW 4.24.130
35 or any other law shall submit a copy of the application to the county
36 sheriff of the county of the person's residence and to the state
37 patrol not fewer than five days before the entry of an order granting
38 the name change. No sex offender under the requirement to register
39 under this section at the time of application shall be granted an
40 order changing his or her name if the court finds that doing so will

1 interfere with legitimate law enforcement interests, except that no
2 order shall be denied when the name change is requested for religious
3 or legitimate cultural reasons or in recognition of marriage or
4 dissolution of marriage. A sex offender under the requirement to
5 register under this section who receives an order changing his or her
6 name shall submit a copy of the order to the county sheriff of the
7 county of the person's residence and to the state patrol within three
8 business days of the entry of the order.

9 (8)(a) Prior to admission to an adult family home, a person who
10 is required to register as a sex offender under this section shall
11 notify the appropriate county sheriff that the person is being
12 admitted to the adult family home.

13 (b) A county sheriff who receives notice under (a) of this
14 subsection or who knows that a person required to register as a sex
15 offender under this section is planning to be admitted to an adult
16 family home shall notify the provider or resident manager of the home
17 and deliver a fact sheet to the provider or resident manager of the
18 home containing the following information:

19 (i) The name and physical description of the person;

20 (ii) The person's conviction history, including the dates of
21 conviction;

22 (iii) The risk level classification assigned to the person; and

23 (iv) The profile of likely victims.

24 (9) Except as may otherwise be provided by law, nothing in this
25 section shall impose any liability upon a peace officer, including a
26 county sheriff, or law enforcement agency, for failing to release
27 information authorized under this section.

28 NEW SECTION. Sec. 5. A new section is added to chapter 70.128
29 RCW to read as follows:

30 (1)(a) Prior to admitting a person who has been convicted of a
31 serious violent offense as defined in RCW 9.94A.030 or a sex offense
32 as defined in RCW 9.94A.030, the provider or resident manager of an
33 adult family home must notify the department of the person's
34 admission and submit an assessment of how the admission and the care
35 for the person will not compromise either (i) the health, safety, and
36 welfare of the other residents of the home, or (ii) the security and
37 operation of the home.

38 (b) Each year following admission, the provider or resident
39 manager of the adult family home must submit a supplemental

1 assessment which includes updated information related to the initial
2 assessment as well as reports of events that have occurred that may
3 compromise either (i) the health, safety, and welfare of the other
4 residents of the home, or (ii) the security and operation of the
5 home.

6 (c) The initial assessment and supplemental assessments shall
7 include documentation of any additional training provided to resident
8 managers and caregivers to prevent any risk to the health and safety
9 of residents as required by RCW 70.128.130.

10 (2) The department may establish forms for an adult family home
11 to use when completing the assessment under subsection (1) of this
12 section. The department shall establish procedures to streamline the
13 submission of the assessment required under subsection (1) of this
14 section with other assessment submission requirements and schedules
15 to reduce delays and minimize reporting burdens.

16 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.128
17 RCW to read as follows:

18 (1) To prevent the perpetuation of segregated housing patterns,
19 the department shall determine the location of licensed adult family
20 homes.

21 (2) Before issuing a license for an adult family home, the
22 department shall determine the number of other adult family homes
23 within a one thousand two hundred feet radius.

24 (3) None of the data collected may be used in a manner that
25 violates the federal fair housing amendments act of 1988 (42 U.S.C.
26 Sec. 3601 et seq.).

27 **Sec. 7.** RCW 70.128.130 and 2012 c 164 s 704 are each amended to
28 read as follows:

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

31 (2) The provider shall promote the health, safety, and (~~well-~~
32 ~~being~~) welfare of each resident residing in each licensed adult
33 family home.

34 (3) Adult family homes shall be maintained internally and
35 externally in good repair and condition. Such homes shall have safe
36 and functioning systems for heating, cooling, hot and cold water,
37 electricity, plumbing, garbage disposal, sewage, cooking, laundry,

1 artificial and natural light, ventilation, and any other feature of
2 the home.

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

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

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

10 (c) Have outdoor areas that are safe and accessible for residents
11 to use.

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

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

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

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

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

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

30 (11) Adult family homes shall establish health care procedures
31 for the care of residents including medication administration and
32 emergency medical care.

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

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

37 (12) Adult family home providers shall either: (a) Reside at the
38 adult family home; or (b) employ or otherwise contract with a
39 qualified resident manager to reside at the adult family home. The

1 department may exempt, for good cause, a provider from the
2 requirements of this subsection by rule.

3 (13) A provider will ensure that any volunteer, student,
4 employee, or person residing within the adult family home who will
5 have unsupervised access to any resident shall not have been
6 convicted of a crime listed under RCW 43.43.830 or 43.43.842, or been
7 found to have abused, neglected, exploited, or abandoned a minor or
8 vulnerable adult as specified in RCW 74.39A.056(2). A provider may
9 conditionally employ a person pending the completion of a criminal
10 conviction background inquiry, but may not allow the person to have
11 unsupervised access to any resident.

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

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

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

32 (b) If a person who has been convicted of a serious violent
33 offense, as defined in RCW 9.94A.030, or a sex offense, as defined in
34 RCW 9.94A.030, has been admitted to an adult family home, the adult
35 family home provider must ensure that the resident manager and any
36 caregivers have received appropriate training necessary to minimize
37 any risk to the health and safety of the residents as the risk may be
38 related to any specific behaviors associated with the offense
39 committed by the person. The adult family home must document all

1 training conducted under this subsection and make it available for
2 review by the department on request.

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

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

8 (b) Staff on-site at all times capable of understanding and
9 speaking English well enough to be able to respond appropriately to
10 emergency situations and be able to read and understand resident care
11 plans.

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