
SENATE BILL 5147

State of Washington

68th Legislature

2023 Regular Session

By Senators Mullet, Conway, and Van De Wege

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1 AN ACT Relating to expanding the use of air conditioning in adult
2 family homes; amending RCW 70.128.060; creating new sections; making
3 an appropriation; providing expiration dates; and declaring an
4 emergency.

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

6 NEW SECTION. **Sec. 1.** The sum of \$5,000,000, or as much thereof
7 as may be necessary, is appropriated for the fiscal biennium ending
8 June 30, 2024, from the general fund to the department of social and
9 health services for the establishment of a grant program to expand
10 the use of air conditioning in adult family homes that are serving
11 individuals whose services are funded through medicaid or state
12 funded long-term care programs.

13 NEW SECTION. **Sec. 2.** (1) A qualifying adult family home may
14 receive up to \$5,000 in grant funding. Grants must be used for one-
15 time costs associated with equipping and installing portable air
16 conditioning units in resident's bedrooms and common areas, or
17 updating the adult family home's heating, ventilation, and air
18 conditioning system to include air conditioning.

1 (2) The department of social and health services shall verify
2 that the grant was used appropriately at the inspection immediately
3 following the adult family home's receipt of the grant.

4 (3) The department of social and health services may adopt rules
5 to implement this section. In implementing this section, the
6 department shall consult with consumers, advocates, and organizations
7 representing adult family homes.

8 (4) This section expires June 30, 2024.

9 NEW SECTION. **Sec. 3.** (1) During the inspection of an adult
10 family home, the department of social and health services shall
11 survey the home's air conditioning capabilities including, but not
12 limited to, whether the home is using portable air conditioners or
13 has air conditioning as part of their home's heating, ventilation,
14 and air conditioning system.

15 (2) By December 1, 2024, the department of social and health
16 services shall report to the legislature the number of adult family
17 homes with air conditioning and break this out by the number of homes
18 using portable air conditioners, the number of homes with air
19 conditioning as part of their home's heating, ventilation, and air
20 conditioning system, and whether the homes are private pay or
21 publicly funded. The department shall include in the report their
22 recommendations for increasing the number of homes with air
23 conditioning capabilities.

24 (3) This section expires January 1, 2025.

25 **Sec. 4.** RCW 70.128.060 and 2020 c 220 s 3 are each amended to
26 read as follows:

27 (1) An application for license shall be made to the department
28 upon forms provided by it and shall contain such information as the
29 department reasonably requires.

30 (2) Subject to the provisions of this section, the department
31 shall issue a license to an adult family home if the department finds
32 that the applicant and the home are in compliance with this chapter
33 and the rules adopted under this chapter. The department may not
34 issue a license if (a) the applicant or a person affiliated with the
35 applicant has prior violations of this chapter relating to the adult
36 family home subject to the application or any other adult family
37 home, or of any other law regulating residential care facilities
38 within the past ten years that resulted in revocation, suspension, or

1 nonrenewal of a license or contract with the department; or (b) the
2 applicant or a person affiliated with the applicant has a history of
3 significant noncompliance with federal, state, or local laws, rules,
4 or regulations relating to the provision of care or services to
5 vulnerable adults or to children. A person is considered affiliated
6 with an applicant if the person is listed on the license application
7 as a partner, officer, director, resident manager, or majority owner
8 of the applying entity, or is the spouse of the applicant.

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

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

12 (5) The department shall serve upon the applicant a copy of the
13 decision granting or denying an application for a license. An
14 applicant shall have the right to contest denial of his or her
15 application for a license as provided in chapter 34.05 RCW by
16 requesting a hearing in writing within twenty-eight days after
17 receipt of the notice of denial.

18 (6) The department shall not issue a license to a provider if the
19 department finds that the provider or spouse of the provider or any
20 partner, officer, director, managerial employee, or majority owner
21 has a history of significant noncompliance with federal or state
22 regulations, rules, or laws in providing care or services to
23 vulnerable adults or to children.

24 (7) The department shall license an adult family home for the
25 maximum level of care that the adult family home may provide. The
26 department shall define, in rule, license levels based upon the
27 education, training, and caregiving experience of the licensed
28 provider or staff.

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

1 department may enhance the existing specialty training requirements
2 by rule, and may update curricula, instructional techniques, and
3 competency testing based upon its review and stakeholder input. In
4 addition, the department shall examine, with input from experts,
5 providers, consumers, and advocates, whether additional specialty
6 training categories should be created for adult family homes serving
7 residents with other special needs, such as traumatic brain injury,
8 skilled nursing, or bariatric care. The department may establish, by
9 rule, additional specialty training categories and requirements for
10 providers, resident managers, and caregivers, if needed to better
11 serve residents with such special needs.

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

14 (10) The department shall establish, by rule, for multiple
15 facility operators educational standards substantially equivalent to
16 recognized national certification standards for residential care
17 administrators.

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

29 (ii) In addition to the fees established in (a)(i) of this
30 subsection, the department shall charge the licensee a nonrefundable
31 fee to increase bed capacity at the adult family home to seven or
32 eight beds or in the event of a change in ownership of the adult
33 family home. The fee must be established in the omnibus
34 appropriations act and any amendment or additions made to that act.

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

1 processing, or change of ownership fees would present a hardship to
2 the applicant.

3 (12) A provider who receives notification of the department's
4 initiation of a denial, suspension, nonrenewal, or revocation of an
5 adult family home license may, in lieu of appealing the department's
6 action, surrender or relinquish the license. The department shall not
7 issue a new license to or contract with the provider, for the
8 purposes of providing care to vulnerable adults or children, for a
9 period of twenty years following the surrendering or relinquishment
10 of the former license. The licensing record shall indicate that the
11 provider relinquished or surrendered the license, without admitting
12 the violations, after receiving notice of the department's initiation
13 of a denial, suspension, nonrenewal, or revocation of a license.

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

26 (14) Any application received by the department on or after July
27 1, 2025, for a new adult family home license shall demonstrate that
28 the home has air conditioning or another cooling system. In
29 implementing this requirement, the department shall consult with
30 consumers, advocates, and organizations representing adult family
31 homes.

32 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act are
33 necessary for the immediate preservation of the public peace, health,
34 or safety, or support of the state government and its existing public
35 institutions, and take effect immediately.

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