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ENGROSSED SUBSTITUTE SENATE BILL 5200

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State of Washington

69th Legislature

2025 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Wagoner, Christian, and Fortunato)

READ FIRST TIME 02/14/25.

1 AN ACT Relating to veterans' medical foster homes; and amending  
2 RCW 70.128.030, 74.39A.009, 74.34.020, and 74.39A.056.

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

4 **Sec. 1.** RCW 70.128.030 and 2012 c 10 s 55 are each amended to  
5 read as follows:

6 The following residential facilities shall be exempt from the  
7 operation of this chapter:

- 8 (1) Nursing homes licensed under chapter 18.51 RCW;
- 9 (2) Assisted living facilities licensed under chapter 18.20 RCW;
- 10 (3) Facilities approved and certified under chapter 71A.22 RCW;
- 11 (4) Residential treatment centers for individuals with mental  
12 illness licensed under chapter 71.24 RCW;
- 13 (5) Hospitals licensed under chapter 70.41 RCW;
- 14 (6) Homes for individuals with developmental disabilities  
15 licensed under chapter 74.15 RCW; and
- 16 (7) A medical foster home, as defined in 38 C.F.R. 17.73, that is  
17 under the oversight and annually reviewed by the United States  
18 department of veterans affairs in which care is provided exclusively  
19 to three or fewer veterans, and its caregivers are in compliance with  
20 applicable state laws including any required training, certification,  
21 and background checks.

1       **Sec. 2.** RCW 74.39A.009 and 2024 c 224 s 3 are each amended to  
2 read as follows:

3       The definitions in this section apply throughout this chapter  
4 unless the context clearly requires otherwise.

5       (1) "Adult family home" means a home licensed under chapter  
6 70.128 RCW.

7       (2) "Adult residential care" means services provided by an  
8 assisted living facility that is licensed under chapter 18.20 RCW and  
9 that has a contract with the department under RCW 74.39A.020 to  
10 provide personal care services.

11       (3) "Assisted living facility" means a facility licensed under  
12 chapter 18.20 RCW.

13       (4) "Assisted living services" means services provided by an  
14 assisted living facility that has a contract with the department  
15 under RCW 74.39A.010 to provide personal care services, intermittent  
16 nursing services, and medication administration services; and the  
17 facility provides these services to residents who are living in  
18 private apartment-like units.

19       (5) "Community residential service business" means a business  
20 that:

21       (a) Is certified by the department of social and health services  
22 to provide to individuals who have a developmental disability as  
23 defined in RCW 71A.10.020(6):

24       (i) Group home services;

25       (ii) Group training home services;

26       (iii) Supported living services; or

27       (iv) Voluntary placement services provided in a licensed staff  
28 residential facility for children;

29       (b) Has a contract with the developmental disabilities  
30 administration to provide the services identified in (a) of this  
31 subsection; and

32       (c) All of the business's long-term care workers are subject to  
33 statutory or regulatory training requirements that are required to  
34 provide the services identified in (a) of this subsection.

35       (6) "Consumer" or "client" means a person who is receiving or has  
36 applied for services under this chapter, including a person who is  
37 receiving services from an individual provider.

38       (7) "Consumer directed employer" is a private entity that  
39 contracts with the department to be the legal employer of individual  
40 providers. The consumer directed employer is patterned after the

1 agency with choice model, recognized by the federal centers for  
2 medicare and medicaid services for financial management in consumer  
3 directed programs. The entity's responsibilities are described in RCW  
4 74.39A.515 and throughout this chapter and include: (a) Coordination  
5 with the consumer, who is the individual provider's managing  
6 employer; (b) withholding, filing, and paying income and employment  
7 taxes, including workers' compensation premiums and unemployment  
8 taxes, for individual providers; (c) verifying an individual  
9 provider's qualifications; and (d) providing other administrative and  
10 employment-related supports. The consumer directed employer is a  
11 social service agency and its employees are mandated reporters as  
12 defined in RCW 74.34.020.

13 (8) "Core competencies" means basic training topics, including  
14 but not limited to, communication skills, worker self-care, problem  
15 solving, maintaining dignity, consumer directed care, cultural  
16 sensitivity, body mechanics, fall prevention, skin and body care,  
17 long-term care worker roles and boundaries, supporting activities of  
18 daily living, and food preparation and handling.

19 (9) "Cost-effective care" means care provided in a setting of an  
20 individual's choice that is necessary to promote the most appropriate  
21 level of physical, mental, and psychosocial well-being consistent  
22 with client choice, in an environment that is appropriate to the care  
23 and safety needs of the individual, and such care cannot be provided  
24 at a lower cost in any other setting. But this in no way precludes an  
25 individual from choosing a different residential setting to achieve  
26 his or her desired quality of life.

27 (10) "Department" means the department of social and health  
28 services.

29 (11) "Developmental disability" has the same meaning as defined  
30 in RCW 71A.10.020.

31 (12) "Direct care worker" means a paid caregiver who provides  
32 direct, hands-on personal care services to persons with disabilities  
33 or the elderly requiring long-term care.

34 (13) "Enhanced adult residential care" means services provided by  
35 an assisted living facility that is licensed under chapter 18.20 RCW  
36 and that has a contract with the department under RCW 74.39A.010 to  
37 provide personal care services, intermittent nursing services, and  
38 medication administration services.

39 (14) "Facility" means an adult family home, an assisted living  
40 facility, a nursing home, an enhanced services facility licensed

1 under chapter 70.97 RCW, or a facility certified to provide medicare  
2 or medicaid services in nursing facilities or intermediate care  
3 facilities for individuals with intellectual disabilities under 42  
4 C.F.R. Part 483.

5 (15) "Home and community-based services" means services provided  
6 in adult family homes, in-home services, and other services  
7 administered or provided by contract by the department directly or  
8 through contract with area agencies on aging or federally recognized  
9 Indian tribes, or similar services provided by facilities and  
10 agencies licensed or certified by the department.

11 (16) "Home care aide" means a long-term care worker who is  
12 certified as a home care aide by the department of health under  
13 chapter 18.88B RCW.

14 (17) "Individual provider" is defined according to RCW  
15 74.39A.240.

16 (18) "Legal employer" means the consumer directed employer, which  
17 along with the consumer, coemploys individual providers. The legal  
18 employer is responsible for setting wages and benefits for individual  
19 providers and must comply with applicable laws including, but not  
20 limited to, state minimum wage laws, workers compensation, and  
21 unemployment insurance laws.

22 (19) "Long-term care" means care and supports delivered  
23 indefinitely, intermittently, or over a sustained time to persons of  
24 any age who are functionally disabled due to chronic mental or  
25 physical illness, disease, chemical dependency, or a medical  
26 condition that is permanent, not curable, or is long-lasting and  
27 severely limits their mental or physical capacity for self-care. The  
28 use of this definition is not intended to expand the scope of  
29 services, care, or assistance provided by any individuals, groups,  
30 residential care settings, or professions unless otherwise required  
31 by law.

32 (20) (a) "Long-term care workers" include all persons who provide  
33 paid, hands-on personal care services for the elderly or persons with  
34 disabilities, including but not limited to individual providers of  
35 home care services, direct care workers employed by home care  
36 agencies or a consumer directed employer, providers of home care  
37 services to persons with developmental disabilities under Title 71A  
38 RCW, all direct care workers in state-licensed assisted living  
39 facilities, enhanced services facilities, and adult family homes,  
40 respite care providers, direct care workers employed by community

1 residential service businesses, medical foster home caregivers as  
2 under 38 C.F.R. 17.73, and any other direct care worker providing  
3 home or community-based services to the elderly or persons with  
4 functional disabilities or developmental disabilities.

5 (b) "Long-term care workers" do not include: (i) Persons employed  
6 by the following facilities or agencies: Nursing homes licensed under  
7 chapter 18.51 RCW, hospitals or other acute care settings,  
8 residential habilitation centers under chapter 71A.20 RCW, facilities  
9 certified under 42 C.F.R., Part 483, hospice agencies subject to  
10 chapter 70.127 RCW, adult day care centers, and adult day health care  
11 centers; or (ii) persons who are not paid by the state or by a  
12 private agency or facility licensed or certified by the state to  
13 provide personal care services.

14 (21) "Managing employer" means a consumer who coemploys one or  
15 more individual providers and whose responsibilities include (a)  
16 choosing potential individual providers and referring them to the  
17 consumer directed employer; (b) overseeing the day-to-day management  
18 and scheduling of the individual provider's tasks consistent with the  
19 plan of care; and (c) dismissing the individual provider when  
20 desired.

21 (22) "Nursing home" or "nursing facility" means a facility  
22 licensed under chapter 18.51 RCW or certified as a medicaid nursing  
23 facility under 42 C.F.R. Part 483, or both.

24 (23) "Person who is functionally disabled" means a person who  
25 because of a recognized chronic physical or mental condition or  
26 disease, including chemical dependency or developmental disability,  
27 is dependent upon others for direct care, support, supervision, or  
28 monitoring to perform activities of daily living. "Activities of  
29 daily living," in this context, means self-care abilities related to  
30 personal care such as bathing, eating, using the toilet, dressing,  
31 and transfer. Instrumental activities of daily living such as  
32 cooking, shopping, house cleaning, doing laundry, working, and  
33 managing personal finances may also be considered when assessing a  
34 person's functional ability to perform activities in the home and the  
35 community.

36 (24) "Personal care services" means physical or verbal assistance  
37 with activities of daily living and instrumental activities of daily  
38 living provided because of a person's functional disability.

39 (25) "Population specific competencies" means basic training  
40 topics unique to the care needs of the population the long-term care

1 worker is serving, including but not limited to, mental health,  
2 dementia, developmental disabilities, young adults with physical  
3 disabilities, and older adults.

4 (26) "Qualified instructor" means a registered nurse or other  
5 person with specific knowledge, training, and work experience in the  
6 provision of direct, hands-on personal care and other assistance  
7 services to the elderly or persons with disabilities requiring  
8 long-term care.

9 (27) "Secretary" means the secretary of social and health  
10 services.

11 (28) "Training partnership" means a joint partnership or trust  
12 that includes the office of the governor and the exclusive bargaining  
13 representative of individual providers under RCW 74.39A.270 with the  
14 capacity to provide training, peer mentoring, and workforce  
15 development, or other services to individual providers.

16 (29) "Tribally licensed assisted living facility" means an  
17 assisted living facility licensed by a federally recognized Indian  
18 tribe in which a facility provides services similar to services  
19 provided by assisted living facilities licensed under chapter 18.20  
20 RCW.

21 **Sec. 3.** RCW 74.34.020 and 2023 c 44 s 1 are each amended to read  
22 as follows:

23 The definitions in this section apply throughout this chapter  
24 unless the context clearly requires otherwise.

25 (1) "Abandonment" means action or inaction by a person or entity  
26 with a duty of care for a vulnerable adult that leaves the vulnerable  
27 person without the means or ability to obtain necessary food,  
28 clothing, shelter, or health care.

29 (2) "Abuse" means the intentional, willful, or reckless action or  
30 inaction that inflicts injury, unreasonable confinement,  
31 intimidation, or punishment on a vulnerable adult. In instances of  
32 abuse of a vulnerable adult who is unable to express or demonstrate  
33 physical harm, pain, or mental anguish, the abuse is presumed to  
34 cause physical harm, pain, or mental anguish. Abuse includes sexual  
35 abuse, mental abuse, physical abuse, and personal exploitation of a  
36 vulnerable adult, and improper use of restraint against a vulnerable  
37 adult which have the following meanings:

38 (a) "Sexual abuse" means any form of nonconsensual sexual  
39 conduct, including but not limited to unwanted or inappropriate

1 touching, rape, molestation, indecent liberties, sexual coercion,  
2 sexually explicit photographing or recording, voyeurism, indecent  
3 exposure, and sexual harassment. Sexual abuse also includes any  
4 sexual conduct between a staff person, who is not also a resident or  
5 client, of a facility or a staff person of a program authorized under  
6 chapter 71A.12 RCW, and a vulnerable adult living in that facility or  
7 receiving service from a program authorized under chapter 71A.12 RCW,  
8 whether or not it is consensual.

9 (b) "Physical abuse" means the intentional, willful, or reckless  
10 action of inflicting bodily injury or physical mistreatment. Physical  
11 abuse includes, but is not limited to, striking with or without an  
12 object, slapping, pinching, choking, kicking, shoving, or prodding.

13 (c) "Mental abuse" means an intentional, willful, or reckless  
14 verbal or nonverbal action that threatens, humiliates, harasses,  
15 coerces, intimidates, isolates, unreasonably confines, or punishes a  
16 vulnerable adult. Mental abuse may include ridiculing, yelling, or  
17 swearing.

18 (d) "Personal exploitation" means an act of forcing, compelling,  
19 or exerting undue influence over a vulnerable adult causing the  
20 vulnerable adult to act in a way that is inconsistent with relevant  
21 past behavior, or causing the vulnerable adult to perform services  
22 for the benefit of another.

23 (e) "Improper use of restraint" means the inappropriate use of  
24 chemical, physical, or mechanical restraints for convenience or  
25 discipline or in a manner that: (i) Is inconsistent with federal or  
26 state licensing or certification requirements for facilities,  
27 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is  
28 not medically authorized; or (iii) otherwise constitutes abuse under  
29 this section.

30 (3) "Chemical restraint" means the administration of any drug to  
31 manage a vulnerable adult's behavior in a way that reduces the safety  
32 risk to the vulnerable adult or others, has the temporary effect of  
33 restricting the vulnerable adult's freedom of movement, and is not  
34 standard treatment for the vulnerable adult's medical or psychiatric  
35 condition.

36 (4) "Consent" means express written consent granted after the  
37 vulnerable adult or his or her legal representative has been fully  
38 informed of the nature of the services to be offered and that the  
39 receipt of services is voluntary.

1 (5) "Department" means the department of social and health  
2 services.

3 (6) "Facility" means a residence licensed or required to be  
4 licensed under chapter 18.20 RCW, assisted living facilities; chapter  
5 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;  
6 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential  
7 habilitation centers; ~~((or))~~ any other facility licensed or certified  
8 by the department; or a medical foster home as defined in 38 C.F.R.  
9 17.73.

10 (7) "Financial exploitation" means the illegal or improper use,  
11 control over, or withholding of the property, income, resources, or  
12 trust funds of the vulnerable adult by any person or entity for any  
13 person's or entity's profit or advantage other than for the  
14 vulnerable adult's profit or advantage. "Financial exploitation"  
15 includes, but is not limited to:

16 (a) The use of deception, intimidation, or undue influence by a  
17 person or entity in a position of trust and confidence with a  
18 vulnerable adult to obtain or use the property, income, resources, or  
19 trust funds of the vulnerable adult for the benefit of a person or  
20 entity other than the vulnerable adult;

21 (b) The breach of a fiduciary duty, including, but not limited  
22 to, the misuse of a power of attorney, trust, or a guardianship  
23 appointment, that results in the unauthorized appropriation, sale, or  
24 transfer of the property, income, resources, or trust funds of the  
25 vulnerable adult for the benefit of a person or entity other than the  
26 vulnerable adult; or

27 (c) Obtaining or using a vulnerable adult's property, income,  
28 resources, or trust funds without lawful authority, by a person or  
29 entity who knows or clearly should know that the vulnerable adult  
30 lacks the capacity to consent to the release or use of his or her  
31 property, income, resources, or trust funds.

32 (8) "Financial institution" has the same meaning as in RCW  
33 30A.22.040 and 30A.22.041. For purposes of this chapter only,  
34 "financial institution" also means a "broker-dealer" or "investment  
35 adviser" as defined in RCW 21.20.005.

36 (9) "Hospital" means a facility licensed under chapter 70.41 or  
37 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any  
38 employee, agent, officer, director, or independent contractor  
39 thereof.

1 (10) "Individual provider" has the same meaning as in RCW  
2 74.39A.240.

3 (11) "Interested person" means a person who demonstrates to the  
4 court's satisfaction that the person is interested in the welfare of  
5 the vulnerable adult, that the person has a good faith belief that  
6 the court's intervention is necessary, and that the vulnerable adult  
7 is unable, due to incapacity, undue influence, or duress at the time  
8 the petition is filed, to protect his or her own interests.

9 (12)(a) "Isolate" or "isolation" means to restrict a vulnerable  
10 adult's ability to communicate, visit, interact, or otherwise  
11 associate with persons of his or her choosing. Isolation may be  
12 evidenced by acts including but not limited to:

13 (i) Acts that prevent a vulnerable adult from sending, making, or  
14 receiving his or her personal mail, electronic communications, or  
15 telephone calls; or

16 (ii) Acts that prevent or obstruct the vulnerable adult from  
17 meeting with others, such as telling a prospective visitor or caller  
18 that a vulnerable adult is not present, or does not wish contact,  
19 where the statement is contrary to the express wishes of the  
20 vulnerable adult.

21 (b) The term "isolate" or "isolation" may not be construed in a  
22 manner that prevents a guardian or limited guardian from performing  
23 his or her fiduciary obligations under chapter 11.130 RCW or prevents  
24 a hospital or facility from providing treatment consistent with the  
25 standard of care for delivery of health services.

26 (13) "Mandated reporter" is an employee of the department or the  
27 department of children, youth, and families; law enforcement officer;  
28 social worker; professional school personnel; individual provider; an  
29 operator of a facility or a certified residential services and  
30 supports agency under chapter 71A.12 RCW; an employee of a facility;  
31 an employee of a social service, welfare, mental health, adult day  
32 health, adult day care, home health, home care, hospice, or certified  
33 residential services and supports agency; county coroner or medical  
34 examiner; Christian Science practitioner; or health care provider  
35 subject to chapter 18.130 RCW.

36 (14) "Mechanical restraint" means any device attached or adjacent  
37 to the vulnerable adult's body that he or she cannot easily remove  
38 that restricts freedom of movement or normal access to his or her  
39 body. "Mechanical restraint" does not include the use of devices,  
40 materials, or equipment that are (a) medically authorized, as

1 required, and (b) used in a manner that is consistent with federal or  
2 state licensing or certification requirements for facilities,  
3 hospitals, or programs authorized under chapter 71A.12 RCW.

4 (15) "Neglect" means (a) a pattern of conduct or inaction by a  
5 person or entity with a duty of care that fails to provide the goods  
6 and services that maintain physical or mental health of a vulnerable  
7 adult, or that fails to avoid or prevent physical or mental harm or  
8 pain to a vulnerable adult; or (b) an act or omission by a person or  
9 entity with a duty of care that demonstrates a serious disregard of  
10 consequences of such a magnitude as to constitute a clear and present  
11 danger to the vulnerable adult's health, welfare, or safety,  
12 including but not limited to conduct prohibited under RCW 9A.42.100.

13 (16) "Permissive reporter" means any person, including, but not  
14 limited to, an employee of a financial institution, attorney, or  
15 volunteer in a facility or program providing services for vulnerable  
16 adults.

17 (17) "Physical restraint" means the application of physical force  
18 without the use of any device, for the purpose of restraining the  
19 free movement of a vulnerable adult's body. "Physical restraint" does  
20 not include (a) briefly holding without undue force a vulnerable  
21 adult in order to calm or comfort him or her, or (b) holding a  
22 vulnerable adult's hand to safely escort him or her from one area to  
23 another.

24 (18) "Protective services" means any services provided by the  
25 department to a vulnerable adult with the consent of the vulnerable  
26 adult, or the legal representative of the vulnerable adult, who has  
27 been abandoned, abused, financially exploited, neglected, or in a  
28 state of self-neglect. These services may include, but are not  
29 limited to case management, social casework, home care, placement,  
30 arranging for medical evaluations, psychological evaluations, day  
31 care, or referral for legal assistance.

32 (19) "Self-neglect" means the failure of a vulnerable adult, not  
33 living in a facility, to provide for himself or herself the goods and  
34 services necessary for the vulnerable adult's physical or mental  
35 health, and the absence of which impairs or threatens the vulnerable  
36 adult's well-being. This definition may include a vulnerable adult  
37 who is receiving services through home health, hospice, or a home  
38 care agency, or an individual provider when the neglect is not a  
39 result of inaction by that agency or individual provider.

40 (20) "Social worker" means:

1 (a) A social worker as defined in RCW 18.320.010(2); or  
2 (b) Anyone engaged in a professional capacity during the regular  
3 course of employment in encouraging or promoting the health, welfare,  
4 support, or education of vulnerable adults, or providing social  
5 services to vulnerable adults, whether in an individual capacity or  
6 as an employee or agent of any public or private organization or  
7 institution.

8 (21) "Vulnerable adult" includes a person:

9 (a) Sixty years of age or older who has the functional, mental,  
10 or physical inability to care for himself or herself; or

11 (b) Subject to a guardianship under RCW 11.130.265 or adult  
12 subject to conservatorship under RCW 11.130.360; or

13 (c) Who has a developmental disability as defined under RCW  
14 71A.10.020; or

15 (d) Admitted to any facility; or

16 (e) Receiving services from home health, hospice, or home care  
17 agencies licensed or required to be licensed under chapter 70.127  
18 RCW; or

19 (f) Receiving services from an individual provider; or

20 (g) Who self-directs his or her own care and receives services  
21 from a personal aide under chapter 74.39 RCW.

22 (22) "Vulnerable adult advocacy team" means a team of three or  
23 more persons who coordinate a multidisciplinary process, in  
24 compliance with chapter 266, Laws of 2017 and the protocol governed  
25 by RCW 74.34.320, for preventing, identifying, investigating,  
26 prosecuting, and providing services related to abuse, neglect, or  
27 financial exploitation of vulnerable adults.

28 **Sec. 4.** RCW 74.39A.056 and 2023 c 223 s 4 are each amended to  
29 read as follows:

30 (1)(a) All long-term care workers shall be screened through state  
31 and federal background checks in a uniform and timely manner to  
32 verify that they do not have a history that would disqualify them  
33 from working with vulnerable persons. The department must process  
34 background checks for long-term care workers and, based on this  
35 screening, inform employers, prospective employers, and others as  
36 authorized by law, whether screened applicants are ineligible for  
37 employment.

38 (b)(i) For long-term care workers hired on or after January 7,  
39 2012, the background checks required under this section shall include

1 checking against the federal bureau of investigation fingerprint  
2 identification records system or its successor program. The  
3 department shall require these long-term care workers to submit  
4 fingerprints for the purpose of investigating conviction records  
5 through both the Washington state patrol and the federal bureau of  
6 investigation. The department shall not pass on the cost of these  
7 criminal background checks to the workers or their employers.

8 (ii) A long-term care worker who is not disqualified by the state  
9 background check can work and have unsupervised access pending the  
10 results of the federal bureau of investigation fingerprint background  
11 check as allowed by rules adopted by the department.

12 (2) A provider may not be employed in the care of and have  
13 unsupervised access to vulnerable adults if:

14 (a) The provider is on the vulnerable adult abuse registry or on  
15 any other registry based upon a finding of abuse, abandonment,  
16 neglect, or financial exploitation of a vulnerable adult;

17 (b) On or after October 1, 1998, the department of children,  
18 youth, and families, or its predecessor agency, has made a founded  
19 finding of abuse or neglect of a child against the provider. If the  
20 provider has received a certificate of parental improvement under  
21 chapter 74.13 RCW pertaining to the finding, the provider is not  
22 disqualified under this section;

23 (c) A disciplining authority, including the department of health,  
24 has made a finding of abuse, abandonment, neglect, or financial  
25 exploitation of a minor or a vulnerable adult against the provider;  
26 or

27 (d) A court has issued an order that includes a finding of fact  
28 or conclusion of law that the provider has committed abuse,  
29 abandonment, neglect, or financial exploitation of a minor or  
30 vulnerable adult. If the provider has received a certificate of  
31 parental improvement under chapter 74.13 RCW pertaining to the  
32 finding of fact or conclusion of law, the provider is not  
33 disqualified under this section.

34 (3) The department shall establish, by rule, a state registry  
35 which contains identifying information about long-term care workers  
36 identified under this chapter who have final substantiated findings  
37 of abuse, neglect, financial exploitation, or abandonment of a  
38 vulnerable adult as defined in RCW 74.34.020. The rule must include  
39 disclosure, disposition of findings, notification, findings of fact,  
40 appeal rights, and fair hearing requirements. The department shall

1 disclose, upon request, final substantiated findings of abuse,  
2 neglect, financial exploitation, or abandonment to any person so  
3 requesting this information. This information must also be shared  
4 with the department of health to advance the purposes of chapter  
5 18.88B RCW.

6 (4) For the purposes of this section, "provider" means:

7 (a) An individual provider as defined in RCW 74.39A.240;

8 (b) An employee, licensee, or contractor of any of the following:

9 A home care agency licensed under chapter 70.127 RCW; a nursing home  
10 under chapter 18.51 RCW; an assisted living facility under chapter  
11 18.20 RCW; an enhanced services facility under chapter 70.97 RCW; a  
12 certified resident services and supports agency licensed or certified  
13 under chapter 71A.12 RCW; an adult family home under chapter 70.128  
14 RCW; or any long-term care facility certified to provide medicaid or  
15 medicare services; (~~and~~)

16 (c) Any contractor of the department who may have unsupervised  
17 access to vulnerable adults; and

18 (d) The caregivers of a medical foster home, as under 38 C.F.R.  
19 17.73.

20 (5) The department shall adopt rules to implement this section.

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