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**SUBSTITUTE SENATE BILL 5060**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** Senate Health Care (originally sponsored by Senators O'Ban and Conway)

READ FIRST TIME 02/08/17.

1 AN ACT Relating to the number of adult family homes permitted in  
2 residential neighborhoods; and amending RCW 70.128.007 and  
3 70.128.040.

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

5 **Sec. 1.** RCW 70.128.007 and 2001 c 319 s 5 are each amended to  
6 read as follows:

7 The purposes of this chapter are to:

8 (1) Encourage the establishment and maintenance of adult family  
9 homes that provide a humane, safe, and residential home environment  
10 for persons with functional limitations who need personal and special  
11 care;

12 (2) Establish standards for regulating adult family homes that  
13 adequately protect residents and the community in which they reside;

14 (3) Encourage consumers, families, providers, and the public to  
15 become active in assuring their full participation in development of  
16 adult family homes that provide high quality and cost-effective care;

17 (4) Provide for appropriate care of residents in adult family  
18 homes by requiring that each resident have a care plan that promotes  
19 the most appropriate level of physical, mental, and psychosocial  
20 well-being consistent with client choice; and

1 (5) Accord each resident the right to participate in the  
2 development of the care plan and in other major decisions involving  
3 the resident and their care.

4 **Sec. 2.** RCW 70.128.040 and 2009 c 530 s 1 are each amended to  
5 read as follows:

6 (1)(a) The department shall adopt rules and standards with  
7 respect to adult family homes and the operators thereof to be  
8 licensed under this chapter to carry out the purposes and  
9 requirements of this chapter. The rules and standards relating to  
10 applicants and operators shall address the differences between  
11 individual providers and providers that are partnerships,  
12 corporations, associations, or companies. The rules and standards  
13 shall also recognize and be appropriate to the different needs and  
14 capacities of the various populations served by adult family homes  
15 such as but not limited to persons who are developmentally disabled  
16 or elderly. In developing rules and standards the department shall  
17 recognize the residential family-like nature of adult family homes  
18 and not develop rules and standards which by their complexity serve  
19 as an overly restrictive barrier to the development of the adult  
20 family homes in the state. However, the rules and standards must also  
21 recognize the additional vehicular traffic and need for services that  
22 adult family homes require in residential neighborhoods.

23 (b) Beginning on the effective date of this act, the rules and  
24 standards adopted by the department must provide that no more than  
25 two adult family homes may be located within a four block area of a  
26 residential community. This subsection (b) does not apply to renewals  
27 of adult family home licenses that exist as of the effective date of  
28 this act. This subsection (b) applies only to adult family homes  
29 located in a county with a population between seven hundred fifty  
30 thousand and one million and which is located to the south of the  
31 most populous county in the state.

32 (c) Procedures and forms established by the department shall be  
33 developed so they are easy to understand and comply with. Paper work  
34 requirements shall be minimal. Easy to understand materials shall be  
35 developed for applicants and providers explaining licensure  
36 requirements and procedures.

37 (2)(a) In developing the rules and standards, the department  
38 shall consult with all divisions and administrations within the  
39 department serving the various populations living in adult family

1 homes, including the division of developmental disabilities and the  
2 aging and adult services administration. Involvement by the divisions  
3 and administration shall be for the purposes of assisting the  
4 department to develop rules and standards appropriate to the  
5 different needs and capacities of the various populations served by  
6 adult family homes. During the initial stages of development of  
7 proposed rules, the department shall provide notice of development of  
8 the rules to organizations representing adult family homes and their  
9 residents, and other groups that the department finds appropriate.  
10 The notice shall state the subject of the rules under consideration  
11 and solicit written recommendations regarding their form and content.

12 (b) In addition, the department shall engage in negotiated rule  
13 making pursuant to RCW 34.05.310(2)(a) with the exclusive  
14 representative of the adult family home licensees selected in  
15 accordance with RCW 70.128.043 and with other affected interests  
16 before adopting requirements that affect adult family home licensees.

17 (3) Except where provided otherwise, chapter 34.05 RCW shall  
18 govern all department rule-making and adjudicative activities under  
19 this chapter.

20 (4) The department shall establish a specialty license to include  
21 geriatric specialty certification for providers who have successfully  
22 completed the University of Washington school of nursing certified  
23 geriatric certification program and testing.

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