

Chapter 43.20A RCW
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

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Alcoholism

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Assisted living facility licensing: Chapter 18.20 RCW.

Certification of birth, death, or fetal death: Chapter 70.58A RCW.

Child welfare agencies: RCW 74.15.060.

*Children, expectant mothers, persons with developmental disabilities,
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of health: RCW 74.15.060.*

City sewerage systems, investigation: RCW 35.88.090.

*Commission merchants, damaged or unfit products, certificate as to,
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*Control of pet animals infected with diseases communicable to humans,
secretary's duties: Chapter 16.70 RCW.*

*County sewerage and water systems, approval by department: RCW
36.94.100.*

*Criminally insane, rights, responsibilities and duties: Chapter 10.77
RCW.*

*Diabetes, policy for inservice training for school staff treating and
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*Educational programs for residential school residents, departmental
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Family preservation services: Chapter 74.14C RCW.

Fees for repository of vaccines and biologics: RCW 70.54.190.

Food stamps: RCW 74.04.500.

Health, department of, functions transferred to: RCW 43.70.900.

Hospital and medical facilities survey and construction
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secretary's duties: RCW 70.40.040.
state plan: RCW 70.40.090, 70.40.100.

Hospitals for individuals with mental illness, private establishments
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examinations generally: RCW 71.12.510, 71.12.520.

Independent youth housing program: RCW 43.63A.305.

Juvenile justice act of 1977, department and secretary's duties under:
Chapter 13.40 RCW.

License
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examination of premises: RCW 71.12.480.
issuance: RCW 71.12.460.

Licensing of adult family homes: Chapter 70.128 RCW.

Medical assistance: Chapter 74.09 RCW.

Mental illness, department's duties relating to: Chapter 71.05 RCW.

Monitoring enrollee level in basic health plan and medicaid caseload
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Mosquito control, duties in regard to: Chapter 70.22 RCW.

Nursing homes licensing, duties concerning: Chapter 18.51 RCW.

Occupational and environmental research facility advisory committee,
membership: RCW 28B.20.456.

Occupational forecast—Agency consultation: RCW 50.38.030.

Offices maintained at state capital: RCW 43.17.050.

Pediatric transitional care services: RCW 71.12.686.

Powers and duties, generally: RCW 43.17.030.

Public assistance: Chapters 74.08 and 74.09 RCW.

Purchase of products and services provided by entities serving or
providing opportunities through community rehabilitation programs:
RCW 39.26.230.

Residential schools and/or homes for children with disabilities: RCW
28A.155.040.

Rules and regulations of department: RCW 43.17.060.

Sanitation advice to local authority: RCW 70.54.040.

Secretary

*appointment: RCW 43.17.020.
chief assistants: RCW 43.17.040.
oath: RCW 43.17.030.
vacancy: RCW 43.17.020, 43.17.040.*

Shellfish sanitation control: Chapter 69.30 RCW.

State otologist

*appointment: RCW 70.50.010.
duties: RCW 70.50.020.*

Temporary assistance for needy families: Chapter 74.12 RCW.

*Victims of crimes, reimbursement by convicted person as condition of
work release or parole: RCW 7.68.120.*

Vital statistics: Chapter 70.58A RCW.

*Working connections child care program, department's duties: RCW
43.216.141.*

RCW 43.20A.005 Intent—Public involvement and outreach. It is the intent of the legislature that the department of social and health services and the department of ecology, in consultation with affected constituent groups, continue appropriate public involvement and outreach mechanisms designed to provide cost-effective public input on their programs and policies. [2001 c 291 § 1001.]

Part headings not law—Effective date—2001 c 291: See notes following RCW 43.20A.360.

RCW 43.20A.010 Purpose. The department of social and health services is designed to integrate and coordinate all those activities involving provision of care for individuals who, as a result of their economic, social or health condition, require financial assistance, institutional care, rehabilitation or other social and health services. In order to provide for maximum efficiency of operation consistent with meeting the needs of those served or affected, the department will encompass substantially all of the powers, duties and functions vested by law on June 30, 1970, in the department of public assistance, the department of institutions, the veterans' rehabilitation council and the division of vocational rehabilitation of the coordinating council on occupational education. The department will concern itself with changing social needs, and will expedite the development and implementation of programs designed to achieve its goals. In furtherance of this policy, it is the legislative intent to set forth only the broad outline of the structure of the department, leaving specific details of its internal organization and management to those charged with its administration. [1989 1st ex.s. c 9 § 211; 1979 c 141 § 60; 1970 ex.s. c 18 § 1.]

Effective date—Severability—1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

Effective date—1970 ex.s. c 18: *"Except as otherwise in this amendatory act provided, this 1970 amendatory act shall take effect on July 1, 1970." [1970 ex.s. c 18 § 69.]

***Reviser's note:** Phrase "Except as otherwise in this amendatory act provided" refers to 1970 ex.s. c 18 § 67, uncodified, which pertained to laws amended in existing education code and as the same were reenacted in the new education code, effective July 1, 1970, not otherwise pertinent hereto.

Severability—1970 ex.s. c 18: "If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application to other persons or circumstances, is not affected." [1970 ex.s. c 18 § 70.]

RCW 43.20A.020 Definitions. As used in this chapter, unless the context indicates otherwise:

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

(2) "Secretary" means the secretary of the department of social and health services.

(3) "Deputy secretary" means the deputy secretary of the department of social and health services.

(4) "Overpayment" means any department payment or department benefit to a recipient or to a vendor in excess of that to which the recipient or vendor is entitled by law, rule, or contract, including amounts in dispute pending resolution.

(5) "Vendor" means an entity that provides goods or services to or for clientele of the department and that controls operational decisions. [1987 c 283 § 1; 1979 c 141 § 61; 1970 ex.s. c 18 § 2.]

Severability—1987 c 283: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 283 § 17.]

Savings—1987 c 283: "The enactment of this act shall not have the effect of terminating or in any way modifying any liability, civil or criminal, that is in existence on July 26, 1987." [1987 c 283 § 18.]

RCW 43.20A.030 Department created—Powers and duties transferred to. There is hereby created a department of state government to be known as the department of social and health services. All powers, duties and functions vested by law on June 30, 1970, in the department of public assistance, the department of institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education are transferred to the department. Powers, duties and functions to be transferred shall include, but not be limited to, all those powers, duties and functions involving cooperation with other governmental units, such as cities and counties, or with the federal government, in particular those concerned with participation in federal grants-in-aid programs. [1989 1st ex.s. c 9 § 212; 1979 c 141 § 62; 1970 ex.s. c 18 § 3.]

Effective date—Severability—1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

RCW 43.20A.035 Inventory of charitable, educational, penal, and reformatory land. The department shall conduct an inventory of real properties as provided in *RCW 79.01.006. [1991 c 204 § 2.]

***Reviser's note:** RCW 79.01.006 was recodified as RCW 79.02.400 pursuant to 2003 c 334 § 554.

RCW 43.20A.037 Affordable housing—Inventory of suitable housing. (1) The department shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the *department of community, trade, and economic development by November 1, 1993, and every November 1 thereafter.

(2) By November 1 of each year, beginning in 1994, the department shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land. [1995 c 399 § 65; 1993 c 461 § 8.]

***Reviser's note:** The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

Finding—1993 c 461: See note following RCW 43.63A.510.

RCW 43.20A.040 Secretary of social and health services—Appointment—Term—Salary—Temporary appointment if vacancy—As executive head and appointing authority. The executive head and appointing authority of the department shall be the secretary of social and health services. He or she shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. He or she shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in his or her position while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he or she shall present to that body his or her nomination for the office. [2009 c 549 § 5073; 1970 ex.s. c 18 § 4.]

RCW 43.20A.050 Secretary of social and health services—Powers and duties generally—Employment of assistants and personnel, limitation. It is the intent of the legislature wherever possible to place the internal affairs of the department under the control of the secretary to institute the flexible, alert and intelligent management of its business that changing contemporary circumstances require.

Therefore, whenever the secretary's authority is not specifically limited by law, he or she shall have complete charge and supervisory powers over the department. The secretary is authorized to create such administrative structures as deemed appropriate, except as otherwise specified by law. The secretary shall have the power to employ such assistants and personnel as may be necessary for the general administration of the department. Except as elsewhere specified, such employment shall be in accordance with the rules of the state civil service law, chapter 41.06 RCW. [1997 c 386 § 41; 1979 c 141 § 63; 1970 ex.s. c 18 § 5.]

RCW 43.20A.060 Departmental divisions—Plan establishing and organizing. The department of social and health services shall be subdivided into divisions, including a division of vocational rehabilitation. Except as otherwise specified or as federal requirements may differently require, these divisions shall be established and organized in accordance with plans to be prepared by the secretary and approved by the governor. In preparing such plans, the secretary shall endeavor to promote efficient public management, to improve programs, and to take full advantage of the economies, both fiscal and administrative, to be gained from the consolidation of the departments of public assistance, institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education. [1989 1st ex.s. c 9 § 213; 1979 c 141 § 64; 1970 ex.s. c 18 § 6.]

Effective date—Severability—1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

RCW 43.20A.073 Rule making regarding sex offenders. See RCW 72.09.337.

RCW 43.20A.075 Rule-making authority. For rules adopted after July 23, 1995, the secretary may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule. [1995 c 403 § 102.]

Findings—Short title—Intent—1995 c 403: See note following RCW 34.05.328.

RCW 43.20A.080 Data sharing—Confidentiality—Penalties. (1) The department shall provide the employment security department quarterly with the names and social security numbers of all clients in the WorkFirst program and any successor state welfare program.

(2) The information provided by the employment security department under RCW 50.13.060 for statistical analysis and welfare program evaluation purposes may be used only for statistical analysis, research, and evaluation purposes as provided in RCW 74.08A.410 and 74.08A.420. Through individual matches with accessed employment security department confidential employer wage files, only aggregate,

statistical, group level data shall be reported. Data sharing by the employment security department may be extended to include the office of financial management and other such governmental entities with oversight responsibility for this program.

(3) The department and other agencies of state government shall protect the privacy of confidential personal data supplied under RCW 50.13.060 consistent with federal law, chapters 50.13 and 50A.25 RCW, and the terms and conditions of a formal data-sharing agreement between the employment security department and agencies of state government, however the misuse or unauthorized use of confidential data supplied by the employment security department is subject to the penalties in RCW 50.13.080 and 50A.25.120. [2019 c 13 § 67; 1997 c 58 § 1005.]

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

RCW 43.20A.090 Deputy secretary—Department personnel director—Assistant secretaries—Appointment—Duties—Salaries. The secretary shall appoint a deputy secretary, a department personnel director and such assistant secretaries as shall be needed to administer the department. The deputy secretary shall have charge and general supervision of the department in the absence or disability of the secretary, and in case of a vacancy in the office of secretary, shall continue in charge of the department until a successor is appointed and qualified, or until the governor shall appoint an acting secretary. The officers appointed under this section, and exempt from the provisions of the state civil service law by the terms of *RCW 41.06.076, shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law. [2017 3rd sp.s. c 6 § 811; 1994 sp.s. c 7 § 515; 1970 ex.s. c 18 § 7.]

***Reviser's note:** RCW 41.06.076 expired June 30, 2005.

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 43.20A.105 Social worker V employees—Implementation plan. The secretary shall develop a plan for implementation for the social worker V employees. The implementation plan shall be submitted to the governor and the legislature by December 1, 1997. The department shall begin implementation of the plan beginning April 1, 1998. The department shall perform the duties assigned under *sections 3 through

5, chapter 386, Laws of 1997 and **RCW 41.06.076 within existing personnel resources. [1997 c 386 § 5.]

Reviser's note: *(1) 1997 c 386 §§ 3 and 4 were vetoed. 1997 c 386 § 5 was codified as RCW 43.20A.105.

** (2) RCW 41.06.076 expired June 30, 2005.

RCW 43.20A.110 Secretary's delegation of powers and duties. The secretary may delegate any power or duty vested in or transferred to him or her by law, or executive order, to his or her deputy secretary or to any other assistant or subordinate; but the secretary shall be responsible for the official acts of the officers and employees of the department. [2009 c 549 § 5074; 1970 ex.s. c 18 § 9.]

RCW 43.20A.130 Secretary or designee as member of state board of health. See RCW 43.20.030.

RCW 43.20A.167 Federal Older Americans Act of 1965—Department to participate in and administer. See RCW 74.36.100.

RCW 43.20A.168 Community programs and projects for the aging. See RCW 74.36.110 through 74.36.130.

RCW 43.20A.205 Denial, suspension, revocation, or modification of license. This section governs the denial of an application for a license or the suspension, revocation, or modification of a license by the department.

(1) The department shall give written notice of the denial of an application for a license to the applicant or his or her agent. The department shall give written notice of revocation, suspension, or modification of a license to the licensee or his or her agent. The notice shall state the reasons for the action. The notice shall be personally served in the manner of service of a summons in a civil action or shall be given in another manner that shows proof of receipt.

(2) Except as otherwise provided in this subsection and in subsection (4) of this section, revocation, suspension, or modification is effective twenty-eight days after the licensee or the agent receives the notice.

(a) The department may make the date the action is effective later than twenty-eight days after receipt. If the department does so, it shall state the effective date in the written notice given the licensee or agent.

(b) The department may make the date the action is effective sooner than twenty-eight days after receipt when necessary to protect the public health, safety, or welfare. When the department does so, it shall state the effective date and the reasons supporting the effective date in the written notice given to the licensee or agent.

(c) When the department has received certification pursuant to chapter 74.20A RCW from the division of child support that the licensee is a person who is not in compliance with a support order or an order from court stating that the licensee is in noncompliance with

a *residential or visitation order under chapter 26.09 RCW, the department shall provide that the suspension is effective immediately upon receipt of the suspension notice by the licensee.

(3) Except for licensees suspended for noncompliance with a support order under chapter 74.20A RCW or a *residential or visitation order under chapter 26.09 RCW, a license applicant or licensee who is aggrieved by a department denial, revocation, suspension, or modification has the right to an adjudicative proceeding. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW. The application must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice, be served on and received by the department within twenty-eight days of the license applicant's or licensee's receiving the adverse notice, and be served in a manner that shows proof of receipt.

(4) (a) If the department gives a licensee twenty-eight or more days notice of revocation, suspension, or modification and the licensee files an appeal before its effective date, the department shall not implement the adverse action until the final order has been entered. The presiding or reviewing officer may permit the department to implement part or all of the adverse action while the proceedings are pending if the appellant causes an unreasonable delay in the proceeding, if the circumstances change so that implementation is in the public interest, or for other good cause.

(b) If the department gives a licensee less than twenty-eight days notice of revocation, suspension, or modification and the licensee timely files a sufficient appeal, the department may implement the adverse action on the effective date stated in the notice. The presiding or reviewing officer may order the department to stay implementation of part or all of the adverse action while the proceedings are pending if staying implementation is in the public interest or for other good cause. [1997 c 58 § 841; 1989 c 175 § 95.]

***Reviser's note:** 1997 c 58 § 886 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

Effective date—1989 c 175: See note following RCW 34.05.010.

RCW 43.20A.215 Assessment of civil fine. This section governs the assessment of a civil fine against a person by the department.

(1) The department shall written give [written] notice to the person against whom it assesses a civil fine. The notice shall state the reasons for the adverse action. The notice shall be personally served in the manner of service of a summons in a civil action or shall be given in an other manner that shows proof of receipt.

(2) Except as otherwise provided in subsection (4) of this section, the civil fine is due and payable twenty-eight days after receipt. The department may make the date the fine is due later than twenty-eight days after receipt. When the department does so, it shall state the effective date in the written notice given the person against whom it assesses the fine.

(3) The person against whom the department assesses a civil fine has the right to an adjudicative proceeding. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW. The application must be in writing, state the basis for contesting the fine, include a copy of the adverse notice, be served on and received by the department within twenty-eight days of the person's receiving the notice of civil fine, and be served in a manner which shows proof of receipt.

(4) If the person files a timely and sufficient appeal, the department shall not implement the action until the final order has been served. The presiding or reviewing officer may permit the department to implement part or all of the action while the proceedings are pending if the appellant causes an unreasonable delay in the proceedings or for other good cause. [1989 c 175 § 96.]

Effective date—1989 c 175: See note following RCW 34.05.010.

RCW 43.20A.300 Department as state agency for receipt of federal funds for vocational rehabilitation—Exception. Except as provided in RCW 74.18.060, the department of social and health services shall serve as the sole agency of the state for the receipt of federal funds made available by acts of congress for vocational rehabilitation within this state. [1983 c 194 § 28; 1977 ex.s. c 40 § 15; 1970 ex.s. c 18 § 40.]

Severability—1977 ex.s. c 40: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 40 § 25.]

RCW 43.20A.310 Vocational rehabilitation, powers and duties of secretary or designee. In addition to his or her other powers and duties, the secretary or his or her designee, shall have the following powers and duties:

(1) To prepare, adopt and certify the state plan for vocational rehabilitation;

(2) With respect to vocational rehabilitation, to adopt necessary rules and regulations and do such other acts not forbidden by law necessary to carry out the duties imposed by state law and the federal acts;

(3) To carry out the aims and purposes of the acts of congress pertaining to vocational rehabilitation. [2009 c 549 § 5075; 1979 c 141 § 65; 1970 ex.s. c 18 § 42.]

RCW 43.20A.320 Consultation with coordinating council for occupational education. The secretary or his or her designee shall

consult with the coordinating council for occupational education in order to maintain close contact with developing programs of vocational education, particularly as such programs may affect programs undertaken in connection with vocational rehabilitation. [2009 c 549 § 5076; 1970 ex.s. c 18 § 43.]

RCW 43.20A.350 Committees and councils—Declaration of purpose.

The legislature declares that meaningful citizen involvement with and participation in the planning and programs of the department of social and health services are essential in order that the public may better understand the operations of the department, and the department staff may obtain the views and opinions of concerned and affected citizens. As a result of the creation of the department of social and health services and the resulting restructuring of programs and organization of the department's components, and as a further result of the legislative mandate to the department to organize and deliver services in a manner responsive to changing needs and conditions, it is necessary to provide for flexibility in the formation and functioning of the various committees and councils which presently advise the department, to restructure the present committees and councils, and to provide for new advisory committees and councils, so that all such committees and councils will more appropriately relate to the changing programs and services of the department. [1971 ex.s. c 189 § 1.]

RCW 43.20A.360 Committees and councils—Appointment—Memberships—Terms—Vacancies—Travel expenses.

(1) The secretary is hereby authorized to appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The secretary may appoint statewide committees or councils in the following subject areas: (a) Health facilities; (b) blind services; (c) medical and health care; (d) drug abuse and alcoholism; (e) social services; (f) economic services; (g) vocational services; (h) rehabilitative services; and (i) on such other subject matters as are or come within the department's responsibilities. The statewide councils shall have representation from both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the secretary in his or her discretion may determine. The members of the committees or councils shall hold office for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

(2) Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [2017 3rd sp.s. c 6 § 328; 2001 c 291 § 101. Prior: 1989 1st ex.s. c 9 § 214; 1989 c 11 § 14; 1984 c 259 § 1; 1981 c 151 § 6; 1977 c 75 § 45; 1975-'76 2nd ex.s. c 34 § 98; 1971 ex.s. c 189 § 2.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Part headings not law—2001 c 291: "Part headings used in this act are not any part of the law." [2001 c 291 § 1002.]

Effective date—2001 c 291: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001." [2001 c 291 § 1003.]

Effective date—Severability—1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

Severability—1989 c 11: See note following RCW 9A.56.220.

Effective date—1981 c 151: See note following RCW 43.20A.680.

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.20A.390 Per diem or mileage—Limitation. Notwithstanding any other provision of chapter 189, Laws of 1971 ex. sess., no person shall receive as compensation or reimbursement for per diem or mileage authorized in chapter 189, Laws of 1971 ex. sess. any amount that would exceed the per diem or mileage provided in RCW 43.03.050 and 43.03.060. [1971 ex.s. c 189 § 16.]

RCW 43.20A.400 Purchase of services from public or nonprofit agencies—Utilization of nonappropriated funds. Notwithstanding any other provisions of law, the secretary of the department of social and health services is authorized to utilize nonappropriated funds made available to the department, in order to compliment the social and health services programs of the department by purchase of services from public or nonprofit agencies. The purpose of this authorization is to augment the services presently offered and to achieve pooling of public and nonprofit resources. [1971 ex.s. c 309 § 1.]

RCW 43.20A.405 Purchase of services from public or nonprofit agencies—Vendor rates—Establishment. After obtaining the review and advice of the governor's advisory committee on vendor rates, the secretary shall establish rates of payment for services which are to be purchased: PROVIDED, That the secretary shall afford all interested persons reasonable opportunity to submit data, views, or arguments, and shall consider fully all submissions respecting the proposed rates. Prior to the establishment of such rates, the secretary shall give at least twenty days notice of such intended action by mail to such persons or agencies as have made timely request of the secretary for advance notice of establishment of such vendor rates. Such rates shall not exceed the amounts reasonable and necessary to assure quality services and shall not exceed the costs reasonably assignable to such services pursuant to cost finding and monitoring procedures to be established by the secretary. Information to support such rates of

payment shall be maintained in a form accessible to the public. [1971 ex.s. c 309 § 2.]

RCW 43.20A.410 Purchase of services from public or nonprofit agencies—Factors to be considered. In determining whether services should be purchased from other public or nonprofit agencies, the secretary shall consider:

(1) Whether the particular service or services is available or might be developed.

(2) The probability that program and workload performance standards will be met, by means of the services purchased.

(3) The availability of reasonably adequate cost finding and performance evaluation criteria.

Nothing in RCW 43.20A.400 through 43.20A.430 is to be construed to authorize reduction in state employment in service component areas presently rendering such services. [1971 ex.s. c 309 § 3.]

RCW 43.20A.415 Purchase of services from public or nonprofit agencies—Retention of basic responsibilities by secretary. When, pursuant to RCW 43.20A.400 through 43.20A.430, the secretary elects to purchase a service or services, he or she shall retain continuing basic responsibility for:

(1) Determining the eligibility of individuals for services;

(2) The selection, quality, effectiveness, and execution of a plan or program of services suited to the need of an individual or of a group of individuals; and

(3) Measuring the cost effectiveness of purchase of services.

[2009 c 549 § 5077; 1971 ex.s. c 309 § 4.]

RCW 43.20A.420 Purchase of services from public or nonprofit agencies—Secretary to provide consultative, technical and development services to suppliers—Review of services. The secretary shall work with the suppliers of purchased services by:

(1) Providing consultation and technical assistance;

(2) Monitoring and periodically reviewing services in order to assure satisfactory performance including adherence to state prescribed workload and quality standards; and

(3) Developing new and more effective and efficient approaches to and methods of delivering services. [1971 ex.s. c 309 § 5.]

RCW 43.20A.425 Purchase of services from public or nonprofit agencies—Qualifications of vendors. The secretary shall assure that sources from which services are purchased are: (1) Licensed, or (2) meet applicable accrediting standards, or (3) in the absence of licensing or accrediting standards, meet standards or criteria established by the secretary to assure quality of service: PROVIDED, That this section shall not be deemed to dispense with any licensing or accrediting requirement imposed by any other provision of law, by any county or municipal ordinance, or by rule or regulation of any public agency. [1971 ex.s. c 309 § 6.]

RCW 43.20A.430 Purchase of services from public or nonprofit agencies—Retention of sums to pay departmental costs. The secretary shall, if not otherwise prohibited by law, pursuant to agreement between the department and the agency in each contract, retain from such nonappropriated funds sufficient sums to pay for the department's administrative costs, monitoring and evaluating delivery of services, and such other costs as may be necessary to administer the department's responsibilities under RCW 43.20A.400 through 43.20A.430. [1971 ex.s. c 309 § 7.]

RCW 43.20A.445 State-operated workshops at institutions—Authorized—Standards. The department may establish and operate workshops for the training, habilitation, and rehabilitation of residents of institutions of the department. Products, goods, wares, articles, or merchandise manufactured or produced by the workshops may be sold to governmental agencies or on the open market at fair value. Prior to establishment of new state-operated workshops at institutions, the department shall consider the availability, appropriateness, and relative cost of contracting with and giving first preference to private nonprofit sheltered workshops, as defined in RCW 82.04.385, to provide workshop activities for residents of the institution.

The secretary shall credit the moneys derived from the sale of items from workshops under this section to a revolving fund under the control of the superintendent of the institution or facility where the items were manufactured. These moneys shall be expended for the purchase of supplies and materials for use in the workshop, to provide pay and training incentives for residents, and for other costs of the operation of the workshop. Payment of residents for work performed on workshop projects shall take into account resident productivity in comparison to the productivity of a nondisabled person earning the minimum wage as well as other factors consistent with goals of rehabilitation and treatment. Institutional work training programs shall be operated in accordance with standards required by the department for private vendors for the same or similar service.

Workshop materials and supplies may be purchased through state purchasing or from private vendors. Each institution or facility shall maintain records to demonstrate that purchases are made at the fair market value or best available price. [1983 1st ex.s. c 41 § 20.]

Severability—1983 1st ex.s. c 41: See note following RCW 26.09.060.

RCW 43.20A.465 Contracted service providers—Disruption or delay by economic or industrial actions. (1) Any contract entered into or renewed by the department with a private contractor for adult care, mental health, addiction, disability support, or youth services must contain an assurance that the contracted services will not be disrupted or delayed by economic or industrial action. The assurance may be provided through the execution of an agreement between the contractor and any labor organization that represents or seeks to represent the employees of the private contractor that perform or will perform the essential services contracted for by the department.

(2) The assurance required under subsection (1) of this section must be a condition of contracting with the department and may be satisfied through one or more of the following contractual commitments made on the part of the contractor through the life of the contract as a condition of receiving or renewing a contract:

(a) An agreement between the contractor and any exclusive representative labor organization representing the employees performing the contracted services that contains a provision prohibiting economic or industrial action on the part of all parties and includes a process for the resolution of disputes between them;

(b) An agreement between the contractor and any labor organization seeking to represent the employees performing the contracted services that includes a provision prohibiting the parties from causing, promoting, or encouraging economic, industrial, or other disruptive activity on the part of the contractor or employees performing services under the contract, and includes a process for resolution of disputes between parties; or

(c) Any other agreement or binding obligation providing assurances equivalent to those specified in (a) and (b) of this subsection that are to be maintained through the life of the contract.

(3) The assurance made to the department must be a binding provision of any contract subject to this section and constitutes a warranty to the department on the part of the contractor.

(4) Failure to maintain the assurance, such that the services contracted by the department are interrupted, shall entitle the department to terminate, suspend, or revoke the contract and make arrangements for the provision of services by other means.

(5) In awarding any contract subject to this section, the department must take into consideration any prior disruptions in the provision of services by the contractor and whether the assurance provided by the contractor pursuant to this section has mitigated the risk of a reoccurrence of the disruptions, if any.

(6) Any contract subject to this section that is awarded or renewed must include a provision providing for reimbursement to the department of the actual costs to the department arising from the inadequacy of the assurance provided by the contractor. [2020 c 201 § 2.]

Intent—Findings—2020 c 201: "The legislature intends to provide the uninterrupted delivery of essential services to its most vulnerable citizens and to provide efficiency and quality in the delivery of such services purchased by the state. The legislature finds that the state's proprietary interest in procuring the services authorized by chapter 43.20A RCW includes providing continuity in the delivery of such services without interruption by its vendors and contractors. The legislature finds that this interest is served by making sure private sector providers contracted by the state have averted or meaningfully mitigated the possibility of service disruptions resulting from labor management disputes and employee unrest.

The legislature finds that the contracts and services subject to chapter 43.20A RCW are essential and, if disrupted, could harm vulnerable members of the community, compromise the efficient delivery of essential state services, and burden taxpayers with additional costs. Thus, the legislature designates the continuity of operations

as a vital procurement goal with respect to services that the state funds to provide these services to the public.

The legislature further finds that by contracting for the provisions of the services rather than providing them directly, the state may negotiate contracts with vendors that are conditioned on meeting this procurement goal insofar as private entities continue to find it commercially advantageous to offer such services to the state on the terms sought by the state." [2020 c 201 § 1.]

RCW 43.20A.550 Federal programs—Rules and regulations—Internal reorganization to meet federal requirements—Statutes to be construed to meet federal law—Conflicting parts deemed inoperative. In furtherance of the policy of the state to cooperate with the federal government in all of the programs under the jurisdiction of the department, such rules and regulations as may become necessary to entitle the state to participate in federal funds may be adopted, unless the same be expressly prohibited by law. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements which are a necessary condition to state receipt of federal funds. Any section or provision of law dealing with the department which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department. If any law dealing with the department is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, such conflicting part of chapter 18, Laws of 1970 ex. sess. is declared to be inoperative solely to the extent of the conflict. [1979 c 141 § 66; 1970 ex.s. c 18 § 66.]

RCW 43.20A.605 Authority to administer oaths and issue subpoenas—Provisions governing subpoenas. (1) The secretary or a designee shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before him or her together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation.

(2) Subpoenas issued in adjudicative proceedings are governed by RCW 34.05.588(1).

(3) Subpoenas issued in the conduct of investigations required or authorized by other statutory provisions or necessary in the enforcement of other statutory provisions shall be governed by RCW 34.05.588(2).

(4) When a judicially approved subpoena is required by law, the secretary or designee may apply for and obtain a superior court order approving and authorizing a subpoena in advance of its issuance. The application may be made in the county where the subpoenaed person resides or is found, or in the county where the subpoenaed documents, records, or evidence are located, or in Thurston county. The application must:

(a) State that an order is sought under this section;

(b) Adequately specify the documents, records, evidence, or testimony; and

(c) Include a declaration made under oath that an investigation is being conducted for a lawfully authorized purpose related to an investigation within the department's authority and that the subpoenaed documents, records, evidence, or testimony are reasonably related to an investigation within the department's authority.

(5) When an application under subsection (4) of this section is made to the satisfaction of the court, the court must issue an order approving the subpoena. When a judicially approved subpoena is required by law, an order under this subsection constitutes authority of law for the agency to subpoena the documents, records, evidence, or testimony.

(6) The secretary or designee may seek approval and a court may issue an order under this section without prior notice to any person, including the person to whom the subpoena is directed and the person who is the subject of an investigation. An application for court approval is subject to the fee and process set forth in RCW 36.18.012(3). [2011 1st sp.s. c 42 § 23; 2009 c 549 § 5078; 1989 c 175 § 97; 1983 1st ex.s. c 41 § 21; 1979 c 141 § 47; 1967 ex.s. c 102 § 2. Formerly RCW 43.20.015.]

Findings—Intent—Effective date—2011 1st sp.s. c 42: See notes following RCW 74.08A.260.

Finding—2011 1st sp.s. c 42: See note following RCW 74.04.004.

Effective date—1989 c 175: See note following RCW 34.05.010.

Severability—1983 1st ex.s. c 41: See note following RCW 26.09.060.

Severability—1967 ex.s. c 102: See note following RCW 43.70.130.

RCW 43.20A.607 Authority to appoint a single executive officer for multiple institutions—Exception. The secretary may appoint one individual to serve as chief executive officer, administrator, or superintendent for more than one facility or institution of the department where one or both facilities or institutions are required by law to have a chief executive officer, administrator, or superintendent. This section, however, shall not apply to RCW 72.40.020. [1983 1st ex.s. c 41 § 25.]

Severability—1983 1st ex.s. c 41: See note following RCW 26.09.060.

Chief executive officers—Appointment: RCW 72.01.060.

RCW 43.20A.610 Employment of deputies, experts, physicians, etc. The secretary may appoint and employ such deputies, scientific experts, physicians, nurses, sanitary engineers, and other personnel including consultants, and such clerical and other assistants as may be necessary to carry on the work of the department of social and health services. [1979 c 141 § 48; 1967 ex.s. c 102 § 8; 1965 c 8 §

43.20.040. Prior: 1961 ex.s. c 5 § 1; 1921 c 7 § 57; RRS § 10815.
Formerly RCW 43.20.040.]

Severability—1967 ex.s. c 102: See note following RCW 43.70.130.

RCW 43.20A.635 Services for children with disabilities. It shall be the duty of the secretary of social and health services and he or she shall have the power to establish and administer a program of services for children with disabilities or who are suffering from physical conditions which lead to disabilities, which shall provide for developing, extending, and improving services for locating such children, and for providing for medical, surgical, corrective, and other services and care, and facilities for diagnosis, hospitalization, and aftercare; to supervise the administration of those services, included in the program, which are not administered directly by it; to extend and improve any such services, including those in existence on April 1, 1941; to cooperate with medical, health, nursing, and welfare groups and organizations, and with any agency of the state charged with the administration of laws providing for vocational rehabilitation of children with physical disabilities; to cooperate with the federal government, through its appropriate agency or instrumentality in developing, extending, and improving such services; and to receive and expend all funds made available to the department by the federal government, the state or its political subdivisions or from other sources, for such purposes. [2020 c 274 § 21; 2009 c 549 § 5079; 1979 c 141 § 52; 1965 c 8 § 43.20.130. Prior: 1941 c 129 § 1; Rem. Supp. 1941 § 9992-107a; prior: 1937 c 114 § 7. Formerly RCW 74.12.210; 43.20.130.]

Center for research and training in intellectual and developmental disabilities, assistant secretaries as members of advisory committee: RCW 28B.20.412.

Children with disabilities, copy of commitment order transmitted to department: RCW 26.40.060.

RCW 43.20A.660 Reports of violations by secretary—Duty of attorney general, prosecuting attorney or city attorney to institute proceedings—Notice to alleged violator. (1) It shall be the duty of each assistant attorney general, prosecuting attorney, or city attorney to whom the secretary reports any violation of chapter 43.20A RCW, or regulations promulgated thereunder, to cause appropriate proceedings to be instituted in the proper courts, without delay, and to be duly prosecuted as prescribed by law.

(2) Before any violation of chapter 43.20A RCW is reported by the secretary to the prosecuting attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his or her views to the secretary, either orally or in writing, with regard to such contemplated proceeding. [2009 c 549 § 5080; 1989 1st ex.s. c 9 § 215; 1979 c 141 § 57; 1967 ex.s. c 102 § 7. Formerly RCW 43.20.190.]

Effective date—Severability—1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

Severability—1967 ex.s. c 102: See note following RCW 43.70.130.

RCW 43.20A.675 Office of the deaf and hard of hearing—Educational materials. The office of the deaf and hard of hearing shall develop educational materials to be distributed by hearing aid dispensers, including audiologists, to persons with hearing loss that explains the uses, benefits, and limitations of current hearing assistive technologies as defined by the department of health in rule. [2019 c 183 § 3.]

Findings—Intent—2019 c 183: See note following RCW 18.35.310.

RCW 43.20A.680 State council on aging established. The state council on aging is hereby established as an advisory council to the governor, the secretary of social and health services, and the office of aging or any other office solely designated as the state unit on aging. The state council on aging may be designated by the governor to serve as the state advisory council to the state unit on aging with respect to federally funded programs as required by federal regulation. The director of the state unit on aging shall provide appropriate staff support. [1981 c 151 § 1.]

Effective date—1981 c 151: "This act shall take effect September 1, 1981." [1981 c 151 § 8.]

RCW 43.20A.685 State council on aging—Membership—Terms—Vacancies—Chairperson—Secretary—Compensation of legislative members. (1) Members of the council shall be appointed to terms of three years, except in the case of a vacancy, in which event appointment shall be for the remainder of the unexpired term for which the vacancy occurs. No member of the council may serve more than two consecutive three-year terms. Each area agency on aging advisory council shall appoint one member from its state-designated planning and service area. The governor shall appoint one additional member from names submitted by the association of Washington cities and one additional member from names submitted by the Washington state association of counties. In addition, the governor may appoint not more than five at large members, in order to ensure that rural areas (those areas outside of a standard metropolitan statistical area), minority populations, and those individuals with special skills which could assist the state council are represented. The members of the state council on aging shall elect, at the council's initial meeting and at the council's first meeting each year, one member to serve as chairperson of the council and another member to serve as secretary of the council.

(2) The speaker of the house of representatives and the president of the senate shall each appoint two nonvoting members to the council; one from each of the two largest caucuses in each house. The terms of the members so appointed shall be for approximately two years and the terms shall expire before the first day of the legislative session in

odd-numbered years. They shall be compensated by their respective houses as provided under RCW 44.04.120, as now or hereafter amended.

(3) With the exception of the members from the Washington state association of cities, the Washington state association of counties, and the nonvoting legislative members, all members of the council shall be at least fifty-five years old. [2011 1st sp.s. c 21 § 31; 1981 c 151 § 2.]

Effective date—2011 1st sp.s. c 21: See note following RCW 72.23.025.

Effective date—1981 c 151: See note following RCW 43.20A.680.

RCW 43.20A.690 State council on aging—Meetings—Compensation of nonlegislative members. The state council on aging shall meet monthly unless determined otherwise by a majority vote of the members, which vote shall be taken at a regular meeting of the council. Nonlegislative members shall serve without compensation but shall be reimbursed for travel expenses and per diem in the performance of their duties as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1981 c 151 § 3.]

Effective date—1981 c 151: See note following RCW 43.20A.680.

RCW 43.20A.695 State council on aging—Powers and duties—Bylaws.

(1) The state council on aging has the following powers and duties:

(a) To serve in an advisory capacity to the governor, the secretary of social and health services, and the state unit on aging on all matters pertaining to policies, programs, and services affecting older persons;

(b) To create public awareness of the special needs and potentialities of older persons; and

(c) To provide for self-advocacy by older citizens of the state through sponsorship of training, legislative and other conferences, workshops, and such other methods as may be deemed appropriate.

(2) The council shall establish bylaws to aid in the performance of its powers and duties. [1981 c 151 § 4.]

Effective date—1981 c 151: See note following RCW 43.20A.680.

RCW 43.20A.710 Investigation of conviction records or pending charges of state employees and individual providers. (1) The secretary shall investigate the conviction records, pending charges and disciplinary board final decisions of:

(a) Any current employee or applicant seeking or being considered for any position with the department who will or may have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities. This includes, but is not limited to, positions conducting comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(b) Individual providers as defined in RCW 74.39A.240 and providers who are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW; and

(c) Individuals or businesses or organizations for the care, supervision, case management, or treatment of children, persons with developmental disabilities, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW.

(2) The secretary shall require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation as provided in RCW 43.43.837. Unless otherwise authorized by law, the secretary shall use the information solely for the purpose of determining the character, suitability, and competence of the applicant.

(3) Except as provided in subsection (4) of this section, an individual provider or home care agency provider who has resided in the state less than three years before applying for employment involving unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must be fingerprinted for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110. However, this subsection does not supersede RCW 74.15.030(2).

(4) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 7, 2012, are subject to background checks under RCW 74.39A.056, except that the department may require a background check at any time under RCW 43.43.837. For the purposes of this subsection, "background check" includes, but is not limited to, a fingerprint check submitted for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation.

(5) An individual provider or home care agency provider hired to provide in-home care for and having unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must have no conviction for a disqualifying crime under RCW 43.43.830 and 43.43.842. An individual or home care agency provider must also have no conviction for a crime relating to drugs as defined in RCW 43.43.830. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110.

(6) The secretary shall provide the results of the state background check on long-term care workers, including individual providers, to the persons hiring them or to their legal guardians, if any, for their determination of the character, suitability, and competence of the applicants. If the person elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense that would disqualify the applicant from having unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, then the

secretary shall deny payment for any subsequent services rendered by the disqualified individual provider.

(7) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

(8) Any person whose criminal history would otherwise disqualify the person under this section or RCW 43.43.842, from a position which will or may have unsupervised access to children, vulnerable adults, or persons with mental illness or developmental disabilities shall not be automatically disqualified if:

(a) The department of social and health services reviewed the person's otherwise disqualifying criminal history through the department of social and health services' background assessment review team process conducted in 2002 and determined that such person could remain in a position covered by this section;

(b) The conviction is no longer automatically disqualifying pursuant to RCW 43.20A.715;

(c) The applicant has received a certificate of restoration of opportunity for the convictions pursuant to RCW 9.97.020, and the department of social and health services has not disqualified the applicant based on character, competence, and suitability review; or

(d) The conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure.

(9) The department may not consider any founded finding of physical abuse or negligent treatment or maltreatment of a child made pursuant to chapter 26.44 RCW that is accompanied by a certificate of parental improvement or dependency as a result of a finding of abuse or neglect pursuant to chapter 13.34 RCW that is accompanied by a certificate of parental improvement when evaluating an applicant or employee's character, competency, and suitability pursuant to any background check authorized or required by this chapter, RCW 74.39A.056 or 43.43.832, or any of the rules adopted thereunder. [2021 c 219 § 4; 2020 c 270 § 10; 2014 c 88 § 2; 2012 c 164 § 505; 2011 1st sp.s. c 31 § 16; 2011 c 253 § 1; 2009 c 580 § 5; 2001 c 296 § 5; 2000 c 87 § 2; 1999 c 336 § 7; 1997 c 392 § 525; 1993 c 210 § 1; 1989 c 334 § 13; 1986 c 269 § 1.]

Rules—Conflict with federal requirements—2021 c 219: See notes following RCW 43.20A.715.

Effective date—2020 c 270: See note following RCW 74.13.720.

Finding—Intent—Rules—Effective date—2012 c 164: See notes following RCW 18.88B.010.

Intent—2001 c 296: See note following RCW 9.96A.060.

Finding—Intent—1999 c 336: See note following RCW 74.39.007.

Short title—Findings—Construction—Conflict with federal requirements—Part headings and captions not law—1997 c 392: See notes following RCW 74.39A.009.

Prospective application—1993 c 210: "This act applies prospectively except individuals who currently employ individual

providers paid by the state may be given the option to request a state background check during reassessment for services." [1993 c 210 § 2.]

Children or vulnerable adults: RCW 43.43.830 through 43.43.842.

Employees with unsupervised access to children—Rules for background investigation: RCW 41.06.475.

State hospitals: RCW 72.23.035.

RCW 43.20A.711 Receipt and use of criminal history information.

The secretary is authorized to receive criminal history record information that includes nonconviction data for any purpose associated with an investigation under chapter 74.04 RCW. Dissemination or use of nonconviction data for purposes other than that authorized in this section is prohibited. [2008 c 74 § 4.]

Finding—2008 c 74: See note following RCW 51.04.024.

RCW 43.20A.715 Long-term care worker screening—Limitations on disqualification. (1) Where the department is required to screen a long-term care worker, contracted provider, or licensee through a background check to determine whether the person has a history that would disqualify the person from having unsupervised access to, working with, or providing supervision, care, or treatment to vulnerable adults or children, the department may not automatically disqualify a person on the basis of a criminal record that includes a conviction of any of the following crimes once the specified amount of time has passed for the particular crime:

(a) Selling marijuana to a person under RCW 69.50.401 after three years or more have passed between the most recent conviction and the date the background check is processed;

(b) Theft in the first degree under RCW 9A.56.030 after 10 years or more have passed between the most recent conviction and the date the background check is processed;

(c) Robbery in the second degree under RCW 9A.56.210 after five years or more have passed between the most recent conviction and the date the background check is processed;

(d) Extortion in the second degree under RCW 9A.56.130 after five years or more have passed between the most recent conviction and the date the background check is processed;

(e) Assault in the second degree under RCW 9A.36.021 after five years or more have passed between the most recent conviction and the date the background check is processed; and

(f) Assault in the third degree under RCW 9A.36.031 after five years or more have passed between the most recent conviction and the date the background check is processed.

(2) The provisions of subsection (1) of this section do not apply where the department is performing background checks for the department of children, youth, and families.

(3) The provisions of subsection (1) of this section do not apply to department employees or applicants for department positions except for positions in the state-operated community residential program.

(4) Notwithstanding subsection (1) of this section, a long-term care worker, contracted provider, or licensee may not provide, or be paid to provide, care to children or vulnerable adults under the medicare or medicaid programs if the worker is excluded from participating in those programs by federal law.

(5) The department, a contracted provider, or a licensee, when conducting a character, competence, and suitability review for the purpose of hiring, licensing, certifying, contracting with, permitting, or continuing to permit a person to be employed in any position caring for or having unsupervised access to vulnerable adults or children, may, in its sole discretion, determine whether to consider any of the convictions identified in subsection (1) of this section. If the department or a consumer directed employer as defined in RCW 74.39A.009 determines that an individual with any of the convictions identified in subsection (1) of this section is qualified to provide services to a department client as an individual provider as defined in RCW 74.39A.240, the department or the consumer directed employer must provide the client, and their guardian if any, with the results of the state background check for their determination of character, suitability, and competence of the individual before the individual begins providing services. The department, a contracted provider, or a licensee, when conducting a character, competence, and suitability review for the purpose of hiring, licensing, certifying, contracting with, permitting, or continuing to permit a person to be employed in any position caring for or having unsupervised access to vulnerable adults or children, has a rebuttable presumption that its exercise of discretion under this section or the refusal to exercise such discretion was appropriate. This subsection does not create a duty for the department to conduct a character, competence, and suitability review.

(6) For the purposes of the section:

(a) "Contracted provider" means a provider, and its employees, contracted with the department or an area agency on aging to provide services to department clients under programs under chapter 74.09, 74.39, 74.39A, or 71A.12 RCW. "Contracted provider" includes area agencies on aging and their subcontractors who provide case management.

(b) "Licensee" means a nonstate facility or setting that is licensed or certified, or has applied to be licensed or certified, by the department and includes the licensee and its employees. [2021 c 219 § 1.]

Rules—2021 c 219: "The department of social and health services and the department of health may adopt rules to implement this act." [2021 c 219 § 8.]

Conflict with federal requirements—2021 c 219: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [2021 c 219 § 9.]

RCW 43.20A.720 Telecommunications devices and services for the hearing and speech impaired—Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this section and RCW 43.20A.725.

(1) "Hearing impaired" means those persons who are certified to be deaf, deaf-blind, or hard of hearing, and those persons who are certified to have a hearing disability limiting their access to telecommunications.

(2) "Speech impaired" means persons who are certified to be unable to speak or who are certified to have a speech impairment limiting their access to telecommunications.

(3) "Department" means the department of social and health services.

(4) "Office" means the office of deaf and hard of hearing within the state department of social and health services. [2001 c 210 § 1; 1992 c 144 § 2; 1990 c 89 § 2; 1987 c 304 § 2.]

Legislative findings—1992 c 144: "The legislature finds that the state of Washington has shown national leadership in providing telecommunications access for the hearing impaired and speech impaired communities. The legislature further finds that the federal Americans with Disabilities Act requires states to further enhance telecommunications access for disabled persons and that the state should be positioned to allow this service to be delivered with fairness, flexibility, and efficiency." [1992 c 144 § 1.]

Severability—1992 c 144: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1992 c 144 § 6.]

Legislative finding—1990 c 89: "The legislature finds that provision of telecommunications devices and relay capability for hearing impaired persons is an effective and needed service which should be continued. The legislature further finds that the same devices and relay capability can serve and should be extended to serve speech impaired persons." [1990 c 89 § 1.]

Legislative findings—1987 c 304: "The legislature finds that it is more difficult for hearing impaired people to have access to the telecommunications system than hearing persons. It is imperative that hearing impaired people be able to reach government offices and health, human, and emergency services with the same ease as other taxpayers. Regulations to provide telecommunications devices for the deaf with a relay system will help ensure that the hearing impaired community has equal access to the public accommodations and telecommunications system in the state of Washington in accordance with chapter 49.60 RCW." [1987 c 304 § 1.]

Relation to other telecommunications device systems—1987 c 304: "Nothing in RCW 43.20A.725 and 43.20A.730 is inconsistent with any telecommunications device systems created by county legislative authorities under RCW 70.54.180. To the extent possible, the office, utilities and transportation commission, the TDD advisory committee, and any other persons or organizations implementing the provisions of RCW 43.20A.725 and 43.20A.730 will use the telecommunications devices

already in place and work with county governments in ensuring that no duplication of services occurs." [1987 c 304 § 5.]

Short title—1987 c 304: "This act shall be known as the "Clyde Randolph Ketchum Act"." [1987 c 304 § 6.]

RCW 43.20A.725 Telecommunications devices for the hearing and speech impaired—Program for provision of services and equipment—
Rules. Subject to the enactment into law of the 2013 amendments to RCW 82.14B.040 in section 103, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 82.14B.042 in section 104, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 82.14B.030 in section 105, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 82.14B.200 in section 106, chapter 8, Laws of 2013 2nd sp. sess., and the 2013 amendments to RCW 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess.:

(1) The department, through the sole authority of the office or its successor organization, must maintain a program whereby an individual of school age or older who possesses a hearing or speech impairment is provided with telecommunications equipment, software, and/or peripheral devices, digital or otherwise, that is determined by the office to be necessary for such a person to access and use telecommunications transmission services effectively.

(2) The department, through the sole authority of the office or its successor organization, must maintain a program where telecommunications relay services of a human or electronic nature will be provided to connect hearing impaired, deaf-blind, or speech impaired persons with persons who do not have a hearing or speech impairment. Such telecommunications relay services must provide the ability for an individual who has a hearing or speech impairment to engage in voice, tactile, or visual communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech impairment to communicate using voice or visual communication services by wire or radio subject to subsection (4)(b) of this section.

(3) The telecommunications relay service and equipment distribution program may operate in such a manner as to provide communications transmission opportunities that are capable of incorporating new technologies that have demonstrated benefits consistent with the intent of this chapter and are in the best interests of the citizens of this state.

(4) The office must administer and control the award of money to all parties incurring costs in implementing and maintaining telecommunications services, programs, equipment, and technical support services according to this section. The relay service contract must be awarded to an individual company registered as a telecommunications company by the utilities and transportation commission, to a group of registered telecommunications companies, or to any other company or organization determined by the office as qualified to provide relay services, contingent upon that company or organization being approved as a registered telecommunications company prior to final contract approval. The relay system providers and telecommunications equipment vendors must be selected on the basis of cost-effectiveness and utility to the greatest extent possible under the program and technical specifications established by the office.

(a) To the extent funds are available for the purposes authorized by this chapter, the office may award contracts for communications and related services and equipment for hearing impaired or speech impaired individuals accessing or receiving services provided by, or contracted for, the department to meet access obligations under Title 2 of the federal Americans with disabilities act or related federal regulations.

(b) The office must perform its duties under this section with the goal of achieving functional equivalency of access to and use of telecommunications services similar to the enjoyment of access to and use of such services experienced by an individual who does not have a hearing or speech impairment only to the extent that funds are available for the purposes authorized by this chapter.

(5) The program must be funded by the legislature by means of a biennial general fund appropriation to the department for the purposes of the program.

(6) The telecommunications relay service program and equipment vendors must provide services and equipment consistent with the requirements of federal law for the operation of both interstate and intrastate telecommunications services for the hearing impaired or speech impaired. The department and the utilities and transportation commission are responsible for ensuring compliance with federal requirements and must provide timely notice to the legislature of any legislation that may be required to accomplish compliance.

(7) The department must adopt rules establishing eligibility criteria, ownership obligations, financial contributions, and a program for distribution to individuals requesting and receiving such telecommunications devices distributed by the office, and other rules necessary to administer programs and services consistent with this chapter. [2013 2nd sp.s. c 8 § 109; 2011 1st sp.s. c 50 § 944; 2010 1st sp.s. c 37 § 921; 2004 c 254 § 1; 2001 c 210 § 2; 1998 c 245 § 59; 1993 c 425 § 1; 1992 c 144 § 3; 1990 c 89 § 3; 1987 c 304 § 3.]

Findings—Intent—Effective dates—2013 2nd sp.s. c 8: See notes following RCW 82.14B.040.

Effective dates—2011 1st sp.s. c 50: See note following RCW 15.76.115.

Effective date—2010 1st sp.s. c 37: See note following RCW 13.06.050.

Responsibility for collection of tax—2004 c 254: "(1) The department of revenue is responsible for the administration and collection of telephone program excise taxes as provided in this act only with regard to telephone program excise taxes that are imposed on switched access lines for any time period occurring on or after July 1, 2004.

(2) The department of social and health services is responsible for the administration and collection of telephone program excise taxes as provided in this act only with regard to telephone program excise taxes that are imposed on switched access lines for the current year and the four preceding years which occurred prior to July 1, 2004." [2004 c 254 § 13.]

Implementation—2004 c 254: "The secretary of the department of social and health services and the director of the department of revenue may take the necessary steps to ensure that this act is implemented on its effective date." [2004 c 254 § 15.]

Effective date—2004 c 254: "This act takes effect July 1, 2004." [2004 c 254 § 14.]

Effective date—1993 c 425: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 15, 1993]." [1993 c 425 § 2.]

Legislative findings—Severability—1992 c 144: See notes following RCW 43.20A.720.

Legislative finding—1990 c 89: See note following RCW 43.20A.720.

RCW 43.20A.735 Domestic violence perpetrator programs. Any program that provides domestic violence treatment to perpetrators of domestic violence must be certified by the department of social and health services and meet minimum standards for domestic violence treatment purposes. The department of social and health services shall adopt rules for standards of approval of domestic violence perpetrator programs. The treatment must meet the following minimum qualifications:

(1) All treatment must be based upon a full, complete clinical intake including but not limited to: Current and past violence history; a lethality risk assessment; history of treatment from past domestic violence perpetrator treatment programs; a complete diagnostic evaluation; a substance abuse assessment; criminal history; assessment of cultural issues, learning disabilities, literacy, and special language needs; and a treatment plan that adequately and appropriately addresses the treatment needs of the individual.

(2) To facilitate communication necessary for periodic safety checks and case monitoring, the program must require the perpetrator to sign the following releases:

(a) A release for the program to inform the victim and victim's community and legal advocates that the perpetrator is in treatment with the program, and to provide information, for safety purposes, to the victim and victim's community and legal advocates;

(b) A release to prior and current treatment agencies to provide information on the perpetrator to the program; and

(c) A release for the program to provide information on the perpetrator to relevant legal entities including: Lawyers, courts, parole, probation, child protective services, and child welfare services.

(3) Treatment must be for a minimum treatment period defined by the secretary of the department of social and health services by rule. The weekly treatment sessions must be in a group unless there is a documented, clinical reason for another modality. Any other therapies, such as individual, marital, or family therapy, substance abuse evaluations or therapy, medication reviews, or psychiatric interviews,

may be concomitant with the weekly group treatment sessions described in this section but not a substitute for it.

(4) The treatment must focus primarily on ending the violence, holding the perpetrator accountable for his or her violence, and changing his or her behavior. The treatment must be based on nonvictim-blaming strategies and philosophies and shall include education about the individual, family, and cultural dynamics of domestic violence. If the perpetrator or the victim has a minor child, treatment must specifically include education regarding the effects of domestic violence on children, such as the emotional impacts of domestic violence on children and the long-term consequences that exposure to incidents of domestic violence may have on children.

(5) Satisfactory completion of treatment must be contingent upon the perpetrator meeting specific criteria, defined by rule by the secretary of the department of social and health services, and not just upon the end of a certain period of time or a certain number of sessions.

(6) The program must have policies and procedures for dealing with reoffenses and noncompliance.

(7) All evaluation and treatment services must be provided by, or under the supervision of, qualified personnel.

(8) The secretary of the department of social and health services may adopt rules and establish fees as necessary to implement this section.

(9) The department of social and health services may conduct on-site monitoring visits as part of its plan for certifying domestic violence perpetrator programs and monitoring implementation of the rules adopted by the secretary of the department of social and health services to determine compliance with the minimum qualifications for domestic violence perpetrator programs. The applicant or certified domestic violence perpetrator program shall cooperate fully with the department of social and health services in the monitoring visit and provide all program and management records requested by the department of social and health services to determine the program's compliance with the minimum certification qualifications and rules adopted by the department of social and health services. [2019 c 470 § 5; 2017 3rd sp.s. c 6 § 334; 2010 c 274 § 501; 1999 c 147 § 1; 1991 c 301 § 7. Formerly RCW 26.50.150.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Intent—2010 c 274: See note following RCW 10.31.100.

Finding—1991 c 301: See note following RCW 10.99.020.

RCW 43.20A.760 Community and technical college students' eligibility for the Washington basic food program. (1)(a) For the purposes of community and technical college students' eligibility for the Washington basic food program, the department shall, in consultation with the state board for community and technical

colleges, identify educational programs at the community and technical colleges that would meet the requirements of state-approved employment and training programs.

(b) In identifying educational programs, the department must consider science, technology, engineering, and mathematics programs and must be as inclusive as possible of other programs.

(c) The department shall maintain and regularly update a list of identified programs in accordance with 7 C.F.R. Sec. 273.5(b)(11), which provides that a student is eligible for an exemption from eligibility rules if the student's attendance can be described as part of a program to increase the student's employability.

(d) For the purposes of this section, and to the extent allowed by federal law, a student shall be anticipating participation through a work-study program if he or she can reasonably expect or foresee being assigned work-study employment. For the purposes of this subsection: "Anticipation [Anticipating] participation" means a student has received approval of work-study as part of a financial aid package and has yet to receive notice from the institution of higher education that he or she has been denied participation in work-study; and "work-study" means the program created in chapter 28B.12 RCW.

(e) The department shall coordinate with the state board of [for] community and technical colleges and the Washington state student achievement council to identify options that could confer categorical eligibility for students who receive state need grants that are funded through temporary assistance for needy families federal or state maintenance of effort dollars. By January 1, 2020, the department must provide a report to the appropriate committees of the legislature that identifies federal assistance options for state need grant recipients.

(2) If the United States department of agriculture requires federal approval of what constitutes state-approved employment and training programs for the purposes of basic food eligibility, the department shall seek federal approval. [2019 c 407 § 4.]

Findings—Intent—Conflict with federal requirements—2019 c 407:
See notes following RCW 28B.50.295.

RCW 43.20A.765 Mental health first aid training for teachers and educational staff. Subject to appropriation for this specific purpose, the department shall provide funds for mental health first aid training targeted at teachers and educational staff. The training will follow the model developed by the department of psychology in Melbourne, Australia. Instruction provided will describe common mental disorders that arise in youth, their possible causes and risk factors, the availability of evidence-based medical, psychological, and alternative treatments, processes for making referrals for behavioral health services, and methods to effectively render assistance in both initial intervention and crisis situations. The department shall collaborate with the office of the superintendent of public instruction to identify sites and methods of instruction that leverage local resources to the extent possible for the purpose of making the mental health first aid training broadly available. [2013 c 197 § 9.]

Finding—Intent—2013 c 197: "(1) The legislature finds that a lack of information about mental health problems among the general public leads to stigmatizing attitudes and prevents people from

seeking help early and seeking the best sort of help. It also prevents people from providing support to family members, friends, and colleagues because they might not know what to do. This lack of knowledge about mental health problems limits the initial accessibility of evidence-based treatments and leads to a lack of support for people with a mental disorder from family, friends, and other members of the community.

(2) The focus on training for teachers and educational staff is intended to provide opportunities for early intervention when the first signs of developing mental illness may be recognized in children, teens, and young adults, so that appropriate referrals may be made to evidence-based behavioral health services." [2013 c 197 § 8.]

Findings—Intent—2013 c 197: See note following RCW 28A.410.226.

Civil liability—2013 c 197: See RCW 28A.310.501.

RCW 43.20A.770 Administration of statutes applicable to runaway youth, at-risk youth, and families in conflict—Consistency required. The department shall ensure that the administration of chapter 13.32A RCW and applicable portions of chapter 74.13 RCW relating to runaway youth, at-risk youth, and families in conflict is consistent in all areas of the state and in accordance with statutory requirements. [1991 c 364 § 6.]

Conflict with federal requirements—1991 c 364: See note following RCW 71.05.210.

RCW 43.20A.790 Homeless families with children—Shelter and housing services. (1) The department shall collaborate with the *department of community, trade, and economic development in the development of the coordinated and comprehensive plan for homeless families with children required under RCW 43.63A.650, which designates the *department of community, trade, and economic development as the state agency with primary responsibility for providing shelter and housing services to homeless families with children. In fulfilling its responsibilities to collaborate with the *department of community, trade, and economic development pursuant to RCW 43.63A.650, the department shall develop, administer, supervise, and monitor its portion of the plan. The department's portion of the plan shall contain at least the following elements:

- (a) Coordination or linkage of services with shelter and housing;
- (b) Accommodation and addressing the needs of homeless families in the design and administration of department programs;
- (c) Participation of the department's local offices in the identification, assistance, and referral of homeless families; and
- (d) Ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.

(2) The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan.

(3) The duties under this section shall be implemented within amounts appropriated for that specific purpose by the legislature in the operating and capital budgets. [1999 c 267 § 2.]

***Reviser's note:** The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

Findings—Intent—1999 c 267: "The legislature finds that homelessness for families with children is a serious, widespread problem that has a devastating effect on children, including significant adverse effects upon their growth and development. Planning for and serving the shelter and housing needs of homeless families with children has been and continues to be a responsibility of the *department of community, trade, and economic development. The legislature further finds that the department of social and health services also plays an important role in addressing the service needs of homeless families with children. In order to adequately and effectively address the complex issues confronting homeless families with children, planning for, implementing, and evaluating such services must be a collaborative effort between the *department of community, trade, and economic development and the department of social and health services, other local, state, and federal agencies, and community organizations. It is the intent of the legislature that the *department of community, trade, and economic development and the department of social and health services jointly present the plan to the appropriate committees of the legislature as required in section 3 of this act. It is the intent of the legislature that children should not be placed or retained in the foster care system if family homelessness is the primary reason for placement or the continuation of their placement. It is the further intent of the legislature that services to homeless families with children shall be provided within funds appropriated for that specific purpose by the legislature in the operating and capital budgets. Nothing in this act is intended to prevent the court's review of the plan developed by the department of social and health services and the *department of community, trade, and economic development under *Washington State Coalition for the Homeless v. Department of Social and Health Services*, King County Superior Court No. 91-2-15889-4. However, it is the intent of the legislature that the court's review in that proceeding be confined solely to review of the plan submitted under the order of February 4, 1998. Nothing in sections 1 through 10 of this act is intended to grant the court in this proceeding continuing review over the department of social and health services after July 25, 1999." [1999 c 267 § 1.]

***Reviser's note:** The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

Severability—1999 c 267: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1999 c 267 § 25.]

RCW 43.20A.800 Vision services for the homeless—Coordination.

The secretary of the department of social and health services shall coordinate the efforts of nonprofit agencies working with the homeless, the Washington academy of eye physicians and surgeons, the Washington optometric association, and the opticians association of Washington to deliver vision services to the homeless free of charge. The secretary shall enter into agreements identifying cooperating agencies and the circumstances under which specified services will be delivered. [1993 c 96 § 2.]

Findings—1993 c 96: "The legislature finds that many homeless people in the state of Washington have impaired eyesight that reduces their chances of obtaining employment or training for employment. The legislature finds that it is in the public interest to facilitate ophthalmologists, optometrists, and opticians in providing free vision services to homeless people of the state." [1993 c 96 § 1.]

RCW 43.20A.810 Vision services for the homeless—Funding. To the extent consistent with the department's budget, the secretary shall pay for the eyeglasses hardware prescribed and dispensed pursuant to the program set up in RCW 43.20A.800 through 43.20A.840. The secretary shall also attempt to obtain private sector funding for this program. [1993 c 96 § 3.]

Findings—1993 c 96: See note following RCW 43.20A.800.

RCW 43.20A.820 Vision services for the homeless—Use of used eyeglass frames by providers. Ophthalmologists, optometrists, and dispensing opticians may utilize used eyeglass frames obtained through donations to this program. [1993 c 96 § 4.]

Findings—1993 c 96: See note following RCW 43.20A.800.

RCW 43.20A.830 Vision services for the homeless—Provider liability. An ophthalmologist, optometrist, or dispensing optician who provides:

- (1) Free vision services; or
- (2) Eyeglasses, or any part thereof, including used frames, at or below retail cost to homeless people in the state of Washington and who is not reimbursed for such services or eyeglasses as allowed for in RCW 43.20A.840, is not liable for civil damages for injury to a homeless person resulting from any act or omission in providing such services or eyeglasses, other than an act or omission constituting gross negligence or intentional conduct. [1993 c 96 § 5.]

Findings—1993 c 96: See note following RCW 43.20A.800.

RCW 43.20A.840 Vision services for the homeless—Third party payers. Nothing in RCW 43.20A.800 through 43.20A.840 shall prevent ophthalmologists, optometrists, or dispensing opticians from collecting for either their goods or services, or both from third-

party payers covering the goods or services for homeless persons.
[1993 c 96 § 6.]

Findings—1993 c 96: See note following RCW 43.20A.800.

RCW 43.20A.845 Vision services for the homeless—Program name.
The program created in RCW 43.20A.800 through 43.20A.840 shall be known as the eye care for the homeless program in Washington. [1993 c 96 § 7.]

Findings—1993 c 96: See note following RCW 43.20A.800.

RCW 43.20A.865 Secretary to enter into agreements with health care authority—Division of responsibilities. The secretary shall enter into agreements with the director of the health care authority, in his or her capacity as the director of the designated single state agency to administer medical services programs under Titles XIX and XXI of the social security act, to establish the division of responsibilities between the agencies with respect to mental health, chemical dependency, and long-term care services, including services for people with developmental disabilities. Except to the extent expressly authorized in the omnibus operating budget or other legislative act and where necessary to improve coordination of care for individual clients, nothing in this section or in section 116, chapter 15, Laws of 2011 1st sp. sess. shall be construed as authorizing the secretary or the director to transfer funds appropriated to one agency or program in the omnibus operating budget to another agency or program. [2011 1st sp.s. c 15 § 123.]

Effective date—Findings—Intent—Report—Agency transfer—References to head of health care authority—Draft legislation—2011 1st sp.s. c 15: See notes following RCW 74.09.010.

RCW 43.20A.875 Employee incentive program pilot—WorkFirst program. No later than January 1, 2012, the department shall establish an employee incentive program pilot for those employees who work directly with participants in the WorkFirst program. The pilot shall provide for eight hours of paid annual leave per year, in addition to the annual leave the employee normally accrues, for those employees who assist participants in meeting certain outcomes to be established by the department. The outcomes established must be of significance for the participant and can include achieving unsubsidized employment or the removal of a significant barrier to unsubsidized employment. The department shall report to the legislature by January 1, 2013, on the implementation of the pilot project, including how many employees received paid annual leave, what outcomes were achieved, and the savings associated with the achievement of the outcomes. [2011 1st sp.s. c 42 § 27.]

Findings—Intent—Effective date—2011 1st sp.s. c 42: See notes following RCW 74.08A.260.

Finding—2011 1st sp.s. c 42: See note following RCW 74.04.004.

RCW 43.20A.880 Training competencies and learning outcomes. The department shall publish its final basic and specialty training competencies and learning outcomes as required by chapter 121, Laws of 2000 no later than June 1, 2002. [2002 c 233 § 2.]

Effective date—2002 c 233: See note following RCW 18.20.270.

RCW 43.20A.885 Dementia action collaborative. (Expires June 30, 2028.) (1) The dementia action collaborative is established with members as provided in this subsection.

(a) The governor shall appoint the following members, and may appoint additional members at the governor's discretion:

- (i) A representative of the governor's office;
- (ii) A representative and an alternate from the department in the aging and long-term support administration;
- (iii) A representative and an alternate from the department in the developmental disabilities administration;
- (iv) A representative and an alternate from the department of health;
- (v) A representative and an alternate from the health care authority;
- (vi) A representative and an alternate from the office of the state long-term care ombuds;
- (vii) At least one person with Alzheimer's disease or another dementia;
- (viii) A caregiver of a person with Alzheimer's disease or another dementia;
- (ix) A representative of the University of Washington's memory and brain wellness center;
- (x) A representative of an organization representing area agencies on aging;
- (xi) A representative of an association representing long-term care facilities in Washington;
- (xii) A representative of an association representing physicians in Washington;
- (xiii) A representative of a Washington-based organization of volunteers, family, and friends of those affected by Alzheimer's disease and other dementias;
- (xiv) A representative of an Alzheimer's advocacy organization;
- (xv) An attorney who specializes in elder law;
- (xvi) An Alzheimer's disease researcher;
- (xvii) A representative of an organization representing emergency medical service providers in Washington;
- (xviii) An expert in workforce development;
- (xix) A representative of the Washington state council on aging;
- (xx) A representative of the governor's office of Indian affairs;
- (xxi) A licensed behavioral health provider with clinical expertise in Alzheimer's disease or other dementias;
- (xxii) A representative of a health care organization that primarily serves people of color, including seniors; and
- (xxiii) A nurse with expertise in serving individuals with Alzheimer's disease or other dementias.

(b) In appointing members to the dementia action collaborative, the governor shall give priority to persons who had previously served on the Alzheimer's disease working group established pursuant to

chapter 89 (Senate Bill No. 6124), Laws of 2014, and its successor work groups.

(2) (a) The secretary or the secretary's designee shall convene the dementia action collaborative and submit all required reports. The secretary or the secretary's designee shall serve as the cochair with either the member representing an Alzheimer's disease advocacy organization or the member representing the Washington-based organization of volunteers, family, and friends of those affected by Alzheimer's disease and other dementias.

(b) The department shall provide any necessary administrative support to the dementia action collaborative.

(c) Meetings of the dementia action collaborative must be open to the public. At least one meeting each year must accept comments on the dementia action collaborative's proposed recommendations from members of the public, including comments from persons and families affected by Alzheimer's disease or other dementias. The department must use technological means, such as web casts, to assure public participation.

(3) (a) The dementia action collaborative must assess the current and future impacts of Alzheimer's disease and other dementias on Washington residents, including:

(i) Examining progress in implementing the Washington state Alzheimer's plan adopted in 2016;

(ii) Assessing available services and resources for serving persons with Alzheimer's disease and other dementias, as well as their families and caregivers;

(iii) Examining and developing strategies to rectify disparate effects of Alzheimer's disease and other dementias on people of color; and

(iv) Developing a strategy to mobilize a state response to this public health crisis.

(b) In addition to the activities in (a) of this subsection, the dementia action collaborative must review and revise the Washington state Alzheimer's plan adopted in 2016, and any subsequent revisions to that plan. Revisions to the plan must evaluate and address:

(i) Population trends related to Alzheimer's disease and other dementias, including:

(A) Demographic information related to Washington residents living with Alzheimer's disease or other dementias, including average age, average age at first diagnosis, gender, race, and comorbidities; and

(B) Disparities in the prevalence of Alzheimer's disease and other dementias between different racial and ethnic populations;

(ii) Existing services, resources, and health care system capacity, including:

(A) The types, cost, and availability of dementia services, medicaid reimbursement rates for dementia services, and the effect of medicaid reimbursement rates on the availability of dementia services;

(B) Dementia-specific training requirements for long-term services and supports staff;

(C) The needs of public safety and law enforcement to respond to persons with Alzheimer's disease or other dementias;

(D) The availability of home and community-based resources, including respite care and other services to assist families, for persons with Alzheimer's disease or other dementias;

(E) Availability of long-term dementia care beds, regardless of payer;

(F) State funding and Alzheimer's disease research through Washington universities and other resources; and

(G) Advances in knowledge regarding brain health, dementia, and risk reduction related to Alzheimer's disease and other dementias since the adoption of the Washington state Alzheimer's plan established in 2016.

(4) The department must submit a report of the dementia action collaborative's findings and recommendations to the governor and the legislature in the form of an updated Washington state Alzheimer's plan no later than October 1, 2023. The department must submit annual updates and recommendations of the dementia action collaborative for legislative and executive branch agency action to the governor and the legislature each October 1st, beginning October 1, 2024.

(5) This section expires June 30, 2028. [2022 c 120 § 2.]

Findings—2022 c 120: "The legislature finds that:

(1) In 2020, an estimated 120,000 Washingtonians age 65 and older were living with Alzheimer's disease or another dementia and the number is expected to rise to 140,000 by 2025;

(2) Dementia affects the whole family in many ways, including pulling family members, most often women, out of the workforce to care for their loved ones with the disease;

(3) There are an estimated 295,000 unpaid caregivers in Washington providing 426,000,000 total hours of unpaid care annually;

(4) The legislature authorized the preparation of the first Washington state plan to address Alzheimer's disease and other dementias in 2016; and

(5) There is great value in continuing to improve awareness and services for individuals living with Alzheimer's disease and other dementias, and reestablishing the formal dementia action collaborative to update the state plan and make recommendations is essential." [2022 c 120 § 1.]

RCW 43.20A.930 Effective date—Severability—1970 ex.s. c 18.
See notes following RCW 43.20A.010.