
SUBSTITUTE SENATE BILL 5147

State of Washington

68th Legislature

2023 Regular Session

By Senate Human Services (originally sponsored by Senators Mullet, Conway, and Van De Wege)

READ FIRST TIME 02/02/23.

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

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

5 NEW SECTION. **Sec. 1.** Subject to the availability of amounts
6 appropriated for this specific purpose, the department of social and
7 health services shall establish a grant program to expand the use of
8 air conditioning in adult family homes that are serving individuals
9 whose services are funded through medicaid or state funded long-term
10 care programs. Qualifying adult family homes may receive grants
11 pursuant to section 2 of this act.

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

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

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

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

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

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

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

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

26 (2) Subject to the provisions of this section, the department
27 shall issue a license to an adult family home if the department finds
28 that the applicant and the home are in compliance with this chapter
29 and the rules adopted under this chapter. The department may not
30 issue a license if (a) the applicant or a person affiliated with the
31 applicant has prior violations of this chapter relating to the adult
32 family home subject to the application or any other adult family
33 home, or of any other law regulating residential care facilities
34 within the past ten years that resulted in revocation, suspension, or
35 nonrenewal of a license or contract with the department; or (b) the
36 applicant or a person affiliated with the applicant has a history of
37 significant noncompliance with federal, state, or local laws, rules,
38 or regulations relating to the provision of care or services to

1 vulnerable adults or to children. A person is considered affiliated
2 with an applicant if the person is listed on the license application
3 as a partner, officer, director, resident manager, or majority owner
4 of the applying entity, or is the spouse of the applicant.

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

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

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

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

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

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

1 providers, consumers, and advocates, whether additional specialty
2 training categories should be created for adult family homes serving
3 residents with other special needs, such as traumatic brain injury,
4 skilled nursing, or bariatric care. The department may establish, by
5 rule, additional specialty training categories and requirements for
6 providers, resident managers, and caregivers, if needed to better
7 serve residents with such special needs.

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

10 (10) The department shall establish, by rule, for multiple
11 facility operators educational standards substantially equivalent to
12 recognized national certification standards for residential care
13 administrators.

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

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

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

39 (12) A provider who receives notification of the department's
40 initiation of a denial, suspension, nonrenewal, or revocation of an

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

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

22 (14) Any application received by the department on or after July
23 1, 2025, for a new adult family home license shall demonstrate that
24 the home has air conditioning or another cooling system. In
25 implementing this requirement, the department shall consult with
26 consumers, advocates, and organizations representing adult family
27 homes.

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

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