
SENATE BILL 5513

State of Washington

53rd Legislature

1993 Regular Session

By Senators Roach, Franklin, M. Rasmussen and McAuliffe

Read first time 02/01/93. Referred to Committee on Health & Human Services.

1 AN ACT Relating to residential care options for special needs
2 children; amending RCW 74.15.010 and 74.15.020; adding a new section to
3 chapter 74.15 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the extraordinary
6 demands of caring for many children with physical and developmental
7 disabilities may jeopardize family integrity and threaten the child's
8 health and safety. Washington state currently offers a limited range
9 of respite and long-term care options for special needs children. The
10 legislature declares that the availability of an array of residential
11 and family support options enables parents and caregivers of special
12 needs children to preserve family wholeness and maintain family
13 involvement while meeting the health and developmental needs of their
14 child.

15 **Sec. 2.** RCW 74.15.010 and 1983 c 3 s 192 are each amended to read
16 as follows:

17 The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

1 (1) To safeguard the well-being of children, expectant mothers and
2 developmentally disabled persons receiving care away from their own
3 homes;

4 (2) To strengthen and encourage family unity and to sustain
5 parental rights and responsibilities to the end that foster care is
6 provided only when a child's family, through the use of all available
7 resources, is unable to provide necessary care;

8 (3) To ensure the availability and development of an array of
9 residential and family support options that sustain family involvement,
10 preserve family integrity, and appropriately meet the health and
11 developmental needs of special needs children;

12 (4) To promote the development of a sufficient number and variety
13 of adequate child-care and maternity-care facilities, both public and
14 private, through the cooperative efforts of public and voluntary
15 agencies and related groups.

16 (~~(4)~~) (5) To provide consultation to agencies caring for
17 children, expectant mothers or developmentally disabled persons in
18 order to help them to improve their methods of and facilities for care;

19 (~~(5)~~) (6) To license agencies as defined in RCW 74.15.020 and to
20 assure the users of such agencies, their parents, the community at
21 large and the agencies themselves that adequate minimum standards are
22 maintained by all agencies caring for children, expectant mothers and
23 developmentally disabled persons.

24 **Sec. 3.** RCW 74.15.020 and 1991 c 128 s 14 are each amended to read
25 as follows:

26 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
27 otherwise clearly indicated by the context thereof, the following terms
28 shall mean:

29 (1) "Department" means the state department of social and health
30 services;

31 (2) "Secretary" means the secretary of social and health services;

32 (3) "Agency" means any person, firm, partnership, association,
33 corporation, or facility which receives children, expectant mothers, or
34 persons with developmental disabilities for control, care, or
35 maintenance outside their own homes, or which places, arranges the
36 placement of, or assists in the placement of children, expectant
37 mothers, or persons with developmental disabilities for foster care or
38 placement of children for adoption, and shall include the following

1 irrespective of whether there is compensation to the agency or to the
2 children, expectant mothers or persons with developmental disabilities
3 for services rendered:

4 (a) "Group-care facility" means an agency, other than a foster-
5 family home, which is maintained and operated for the care of a group
6 of children on a twenty-four hour basis;

7 (b) "Child-placing agency" means an agency which places a child or
8 children for temporary care, continued care, or for adoption;

9 (c) "Maternity service" means an agency which provides or arranges
10 for care or services to expectant mothers, before or during
11 confinement, or which provides care as needed to mothers and their
12 infants after confinement;

13 (d) "Day-care center" means an agency which regularly provides care
14 for a group of children for periods of less than twenty-four hours;

15 (e) "Foster-family home" means an agency which regularly provides
16 care on a twenty-four hour basis to one or more children, expectant
17 mothers, or persons with developmental disabilities in the family abode
18 of the person or persons under whose direct care and supervision the
19 child, expectant mother, or person with a developmental disability is
20 placed;

21 (f) "Crisis residential center" means an agency which is a
22 temporary protective residential facility operated to perform the
23 duties specified in chapter 13.32A RCW, in the manner provided in RCW
24 74.13.032 through 74.13.036.

25 (4) "Agency" shall not include the following:

26 (a) Persons related by blood or marriage to the child, expectant
27 mother, or persons with developmental disabilities in the following
28 degrees: Parent, grandparent, brother, sister, stepparent,
29 stepbrother, stepsister, uncle, aunt, and/or first cousin;

30 (b) Persons who are legal guardians of the child, expectant mother,
31 or persons with developmental disabilities;

32 (c) Persons who care for a neighbor's or friend's child or
33 children, with or without compensation, where the person does not
34 engage in such activity on a regular basis, or where parents on a
35 mutually cooperative basis exchange care of one another's children, or
36 persons who have the care of an exchange student in their own home;

37 (d) A person, partnership, corporation, or other entity that
38 provides placement or similar services to exchange students or
39 international student exchange visitors;

1 (e) Nursery schools or kindergartens which are engaged primarily in
2 educational work with preschool children and in which no child is
3 enrolled on a regular basis for more than four hours per day;

4 (f) Schools, including boarding schools, which are engaged
5 primarily in education, operate on a definite school year schedule,
6 follow a stated academic curriculum, accept only school-age children
7 and do not accept custody of children;

8 (g) Seasonal camps of three months' or less duration engaged
9 primarily in recreational or educational activities;

10 (h) Hospitals licensed pursuant to chapter 70.41 RCW when
11 performing functions defined in chapter 70.41 RCW, nursing homes
12 licensed under chapter 18.51 RCW and boarding homes licensed under
13 chapter 18.20 RCW;

14 (i) Licensed physicians or lawyers;

15 (j) Facilities providing care to children for periods of less than
16 twenty-four hours whose parents remain on the premises to participate
17 in activities other than employment;

18 (k) Facilities approved and certified under chapter 71A.22 RCW;

19 (l) Any agency having been in operation in this state ten years
20 prior to June 8, 1967, and not seeking or accepting moneys or
21 assistance from any state or federal agency, and is supported in part
22 by an endowment or trust fund;

23 (m) Persons who have a child in their home for purposes of
24 adoption, if the child was placed in such home by a licensed child-
25 placing agency, an authorized public or tribal agency or court or if a
26 replacement report has been filed under chapter 26.33 RCW and the
27 placement has been approved by the court;

28 (n) An agency operated by any unit of local, state, or federal
29 government or an agency, located within the boundaries of a federally
30 recognized Indian reservation, licensed by the Indian tribe;

31 (o) An agency located on a federal military reservation, except
32 where the military authorities request that such agency be subject to
33 the licensing requirements of this chapter.

34 (5) "Special needs children" means individuals up to age twenty-two
35 who have physical or developmental disabilities and illnesses that
36 require skilled health care intervention and monitoring.

37 (6) "Requirement" means any rule, regulation or standard of care to
38 be maintained by an agency.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.15 RCW
2 to read as follows:

3 (1) The department shall establish a coordinated children's long-
4 term care policy incorporating a continuum of family support options
5 based on the individual needs and choices of the special needs child
6 and his or her family. The policy shall incorporate an array of both
7 in-home and residential care options and ensure family involvement and
8 choice in all decisions regarding their child's care.

9 (2) The children's long-term care policy shall require the
10 department, in collaboration with families and other involved
11 caregivers, to develop an individualized family and child centered plan
12 guiding the utilization of family support options for special needs
13 children and their families. The plan shall be designed to preserve
14 family integrity and involvement and ensure a stable, safe, and
15 nurturing home-like environment that meets the health and developmental
16 needs of the special needs child.

17 (3) Residential care options shall include the following:

18 (a) Specialized group care facilities as defined by RCW 74.15.020
19 for special needs children offering twenty-four hour skilled care
20 providers, specialized therapies, psycho-social supports, caregiver
21 training, educational services, or other necessary services in a single
22 setting;

23 (b) Small specialized group homes in residential neighborhoods
24 offering skilled care providers, specialized therapies, psycho-social
25 supports, caregiver training, educational services, or other necessary
26 services provided by contractors or agency staff members; and

27 (c) Specialized foster homes.

28 (4) Residential care options as identified in subsection (3) of
29 this section may provide temporary services to families requiring a
30 break from caregiving or other short or long-term services according to
31 the individualized family support options plan as defined in subsection
32 (2) of this section.

33 (5) The department shall develop an interagency agreement with the
34 department of health that establishes minimum standards and guides the
35 selection of facilities and agencies authorized to establish
36 residential care options for special needs children as defined in
37 subsection (3) of this section. The legislative budget committee shall
38 provide oversight in developing this agreement and the children's long-
39 term care policy and prepare a report to the legislature.

1 NEW SECTION. **Sec. 5.** The legislative budget committee shall
2 conduct an independent evaluation of short and long-term residential
3 care options for medically fragile children. The evaluation shall
4 identify the number of medically fragile children and available
5 residential care options, compare the quality assurance and health and
6 safety standards of available options, and identify inconsistencies in
7 licensing authority and standards. The evaluation shall make
8 recommendations to the legislature on the expansion of residential care
9 options for medically fragile children and the licensing authority and
10 standards for such options.

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