

CERTIFICATION OF ENROLLMENT

**ENGROSSED SUBSTITUTE SENATE BILL 6391**

Chapter 242, Laws of 2006

59th Legislature  
2006 Regular Session

**BOARDING HOMES--NONRESIDENT SERVICES**

EFFECTIVE DATE: 6/7/06

Passed by the Senate March 4, 2006  
YEAS 45 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House February 28, 2006  
YEAS 97 NAYS 0

FRANK CHOPP

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**Speaker of the House of Representatives**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6391** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

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**Secretary**

Approved March 27, 2006.

FILED

March 27, 2006 - 2:56 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 6391**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2006 Regular Session

**State of Washington                      59th Legislature                      2006 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Deccio, Thibaudeau and Fairley)

READ FIRST TIME 02/01/06.

1            AN ACT Relating to the provision of services for nonresident  
2 individuals residing in long-term care settings; amending RCW 18.20.020  
3 and 18.135.040; and adding a new section to chapter 18.135 RCW.

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

5            **Sec. 1.** RCW 18.20.020 and 2004 c 142 s 1 are each amended to read  
6 as follows:

7            As used in this chapter:

8            (1) "Boarding home" means any home or other institution, however  
9 named, which is advertised, announced, or maintained for the express or  
10 implied purpose of providing housing, basic services, and assuming  
11 general responsibility for the safety and well-being of the residents,  
12 and may also provide domiciliary care, consistent with chapter 142,  
13 Laws of 2004, to seven or more residents after July 1, 2000. However,  
14 a boarding home that is licensed for three to six residents prior to or  
15 on July 1, 2000, may maintain its boarding home license as long as it  
16 is continually licensed as a boarding home. "Boarding home" shall not  
17 include facilities certified as group training homes pursuant to RCW  
18 71A.22.040, nor any home, institution or section thereof which is  
19 otherwise licensed and regulated under the provisions of state law

1 providing specifically for the licensing and regulation of such home,  
2 institution or section thereof. Nor shall it include any independent  
3 senior housing, independent living units in continuing care retirement  
4 communities, or other similar living situations including those  
5 subsidized by the department of housing and urban development.

6 (2) "Basic services" means housekeeping services, meals, nutritious  
7 snacks, laundry, and activities.

8 (3) "Person" means any individual, firm, partnership, corporation,  
9 company, association, or joint stock association, and the legal  
10 successor thereof.

11 (4) "Secretary" means the secretary of social and health services.

12 (5) "Department" means the state department of social and health  
13 services.

14 (6) "Resident's representative" means a person designated  
15 voluntarily by a competent resident, in writing, to act in the  
16 resident's behalf concerning the care and services provided by the  
17 boarding home and to receive information from the boarding home, if  
18 there is no legal representative. The resident's competence shall be  
19 determined using the criteria in RCW 11.88.010(1)(e). The resident's  
20 representative may not be affiliated with the licensee, boarding home,  
21 or management company, unless the affiliated person is a family member  
22 of the resident. The resident's representative shall not have  
23 authority to act on behalf of the resident once the resident is no  
24 longer competent.

25 (7) "Domiciliary care" means: Assistance with activities of daily  
26 living provided by the boarding home either directly or indirectly; or  
27 health support services, if provided directly or indirectly by the  
28 boarding home; or intermittent nursing services, if provided directly  
29 or indirectly by the boarding home.

30 (8) "General responsibility for the safety and well-being of the  
31 resident" means the provision of the following: Prescribed general low  
32 sodium diets; prescribed general diabetic diets; prescribed mechanical  
33 soft foods; emergency assistance; monitoring of the resident; arranging  
34 health care appointments with outside health care providers and  
35 reminding residents of such appointments as necessary; coordinating  
36 health care services with outside health care providers consistent with  
37 RCW 18.20.380; assisting the resident to obtain and maintain glasses,  
38 hearing aids, dentures, canes, crutches, walkers, wheelchairs, and

1 assistive communication devices; observation of the resident for  
2 changes in overall functioning; blood pressure checks as scheduled;  
3 responding appropriately when there are observable or reported changes  
4 in the resident's physical, mental, or emotional functioning; or  
5 medication assistance as permitted under RCW 69.41.085 and as defined  
6 in RCW 69.41.010.

7 (9) "Legal representative" means a person or persons identified in  
8 RCW 7.70.065 who may act on behalf of the resident pursuant to the  
9 scope of their legal authority. The legal representative shall not be  
10 affiliated with the licensee, boarding home, or management company,  
11 unless the affiliated person is a family member of the resident.

12 (10) "Nonresident individual" means a person who resides in  
13 independent senior housing, independent living units in continuing care  
14 retirement communities, or in other similar living environments or in  
15 a boarding home and may receive one or more of the services listed in  
16 RCW 18.20.030(5)~~((, but))~~. A nonresident individual may not receive  
17 domiciliary care, as defined in this chapter, directly or indirectly by  
18 the ~~((facility))~~ boarding home and may not receive the items and  
19 services listed in subsection (8) of this section, except during the  
20 time the person is receiving adult day services as defined in this  
21 section.

22 (11) "Resident" means an individual who is not related by blood or  
23 marriage to the operator of the boarding home, and by reason of age or  
24 disability, chooses to reside in the boarding home and receives basic  
25 services and one or more of the services listed under general  
26 responsibility for the safety and well-being of the resident and may  
27 receive domiciliary care or respite care provided directly or  
28 indirectly by the boarding home and shall be permitted to receive  
29 hospice care through an outside service provider when arranged by the  
30 resident or the resident's legal representative under RCW 18.20.380.

31 (12) "Resident applicant" means an individual who is seeking  
32 admission to a licensed boarding home and who has completed and signed  
33 an application for admission, or such application for admission has  
34 been completed and signed in their behalf by their legal representative  
35 if any, and if not, then the designated representative if any.

36 (13) "Adult day services" means care and services provided to a  
37 nonresident individual by the boarding home on the boarding home

1 premises, for a period of time not to exceed ten continuous hours, and  
2 does not involve an overnight stay.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.135 RCW  
4 to read as follows:

5 This chapter does not prohibit or restrict the performance of  
6 blood-drawing procedures by health care assistants in the residences of  
7 research study participants when such procedures have been authorized  
8 by the institutional review board of a comprehensive cancer center or  
9 nonprofit degree-granting institution of higher education and are  
10 conducted under the general supervision of a physician.

11 **Sec. 3.** RCW 18.135.040 and 1984 c 281 s 3 are each amended to read  
12 as follows:

13 A certification issued to a health care assistant pursuant to this  
14 chapter shall be authority to perform only the functions authorized in  
15 RCW 18.135.010 subject to proper delegation and supervision in the  
16 health care facility making the certification or under the supervision  
17 of the certifying health care practitioner in other health care  
18 facilities or in his or her office or in the residences of research  
19 study participants in accordance with section 2 of this act. No  
20 certification made by one health care facility or health care  
21 practitioner is transferrable to another health care facility or health  
22 care practitioner.

23 NEW SECTION. **Sec. 4.** If any provision of this act or its  
24 application to any person or circumstance is held invalid, the  
25 remainder of the act or the application of the provision to other  
26 persons or circumstances is not affected.

Passed by the Senate March 4, 2006.

Passed by the House February 28, 2006.

Approved by the Governor March 27, 2006.

Filed in Office of Secretary of State March 27, 2006.