

with whom such instrument is filed shall transmit two copies to the county assessor.

[Am. Rem. Supp. 1949, § 11106-1.]

Passed the Senate March 8, 1951.

Passed the House March 3, 1951.

Approved by the Governor March 13, 1951.

CHAPTER 117.

[S. B. 189.]

REGULATION OF NURSING HOMES.

AN ACT relating to licensing and regulation of nursing homes; providing penalties and making an appropriation; amending section 74.32.010, R.C.W.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. The purpose of this act is to provide for the development, establishment, and enforcement of standards for the maintenance and operation of nursing homes, which, in the light of advancing knowledge, will promote safe and adequate care and treatment of the individuals therein. An important secondary purpose is the improvement of nursing home practices by educational methods so that such practices eventually exceed the minimum requirements of the basic law and its original standards.

Purpose of act.

SEC. 2. (1) "Nursing Home" means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for four or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include any or all procedures commonly employed

"Nursing home."

Convalescent and chronic care.

in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons if they do not require psychiatric treatment by or under the supervision of a physician who devotes all or a major portion of his time to this specialized field of medicine. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both: *Provided*, That the mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this act.

General hospitals and other places excluded.

"Person."

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

"Director."

(3) "Director" means the state director of health.

"Board."

(4) "Board" means the state board of health.

"Department."

(5) "Department" means the state department of health and those local health departments which receive certificates of approval from the state director of health to enforce the standards, rules and regulations of the board, as provided in this act.

Enforcement; may be delegated to local authorities.

SEC. 3. Any city, county, or district health department, employing a part-time or full-time health officer, may make application in writing to the director for a certificate of approval authorizing such city, county or district to enforce this act, and the rules and regulations of the board within its jurisdiction. Upon receipt of the application the director

shall investigate and determine whether the city, county, or district health department is entitled to approval and if so he shall issue the certificate applied for. Upon receipt of a certificate of approval the local health department shall have full authority through the health officer to perform all of the duties relative to the enforcement of the provisions of this act and of the rules and regulations of the board. Any certificate of approval may be cancelled by the director after thirty days' notice in writing to the holder of the certificate of approval should it be found that the holder is incompetent or unable to enforce the requirements of the act.

SEC. 4. After July 1, 1951 no person shall operate or maintain a nursing home in this state without a license under this act.

License
required.

SEC. 5. An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires, which may include affirmative evidence of ability to comply with the rules and regulations as are lawfully prescribed hereunder. Each application for license shall be accompanied by a license fee of fifteen dollars plus one dollar per bed capacity per year, but in no event shall the total exceed one hundred dollars: *Provided*, That no fee shall be required of government-operated institutions.

Application
for license.

Fee.

Government-
operated
institutions.

SEC. 6. Upon receipt of an application for a license and the license fee, where required, the department shall issue a license if the applicant and the nursing home facilities meet the requirements established under this act. A license unless suspended or revoked shall be renewable annually. All licenses issued under the provisions of this act shall expire on the first day of July next succeeding the date of issue. Applications for renewal shall be on forms

Licenses;
issued by
department.

Expiration.

Renewal.

When filed. provided by the department and shall be filed with it not less than ten days prior to its expiration. Each application for renewal shall be accompanied by a license fee of ten dollars. Each license shall be issued only for the premises and persons named in the application, and no license shall be transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises.

Renewal fee.

Non-transferable.

Posting.

Suspension or revocation of licenses. SEC. 7. The department after notice and opportunity for hearing to the applicant or licensee is authorized to deny, suspend, or revoke a license in any case in which it finds that there has been a failure or refusal to comply with the requirements established under this act.

Notice. Notice shall be effected by registered mail, or by personal service, setting forth the particular reasons for the proposed action and fixing a date not less than thirty days from the date of mailing or service, at which time the applicant or licensee shall be given an opportunity for a prompt and fair hearing. On the basis of such hearing, or upon default of the applicant or licensee the department shall make a determination specifying its findings and conclusions. A copy of the determination shall be sent by registered mail or served personally upon the applicant or licensee. Any decision revoking, suspending, or denying the license or application shall become final thirty days after it is mailed or served, unless the applicant or licensee, within such thirty-day period, appeals the decision.

Hearing.

Findings and conclusions.

Effective date.

Hearing procedure. The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the board after consultation with the advisory nursing home council. A full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless the decision is appealed. A copy or copies

of the transcript may be obtained by any interested party on payment of the cost of preparing such copy or copies. Witnesses may be subpoenaed by either party.

Copies of transcript.

SEC. 8. The board, after consultation with the advisory nursing home council, shall adopt, amend, and promulgate such rules, regulations, and standards with respect to all nursing homes to be licensed hereunder as may be designed to further the accomplishment of the purposes of this act in promoting safe and adequate medical and nursing care of individuals in nursing homes and the sanitary, hygienic and safe conditions of the nursing home in the interest of public health, safety, and welfare.

Board to adopt rules and regulations.

SEC. 9. Any nursing home which is in operation at the time of promulgation of any applicable rules or regulations under this act shall be given a reasonable time, not to exceed three months from the date of such promulgation, within which to comply with the rules and regulations established under this act.

Time to comply with rules.

SEC. 10. The department shall make or cause to be made a yearly inspection and investigation of all nursing homes. Every inspection of a nursing home may include an inspection of every part of the premises. The department may make an examination of all records other than financial records, methods of administration, the general and special dietary and the stores and methods of supply. The board may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

Annual inspection.

Alterations or new facilities.

Advisory
nursing
home
council.

Members.

SEC. 11. The director shall appoint an advisory nursing home council to consult with the department. The council shall be comprised of the director who shall serve as chairman *ex officio*, and ten members and shall include one representative of each of the following organizations or groups except, that the Washington association of licensed nursing homes shall have three members: State medical association, state hospital association, state nurses association, department of social security, Washington state fire marshal, association of Washington cities, association of county commissioners. Each member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term and the terms of office of the members first taking office shall expire, as designated at the time of appointment, two at the end of the first year, three at the end of the second year, three at the end of the third year, and two at the end of the fourth year after the date of appointment. Thereafter all appointments shall be for four years. The council shall meet as frequently as the chairman deems necessary, but not less than once each year. Upon request by four or more members, it shall be the duty of the chairman to call a meeting of the council.

Terms.

Meetings.

Duties.

Consultation.

Recommendations.

SEC. 12. The advisory nursing home council shall:

- (1) consult with the department in matters of policy affecting administration of this act, and in the development of rules, regulations, provided for hereunder; and
- (2) review and make recommendations with respect to rules, regulations, and standards authorized hereunder prior to their adoption and promulgation by the board as specified herein.

SEC. 13. All information received by the department through filed reports, inspections, or as otherwise authorized under this act, shall not be disclosed publicly in any manner as to identify individuals or nursing homes, except in a proceeding involving the question of licensure.

Disclosure of information received by department.

SEC. 14. Any applicant or licensee aggrieved by the decision of the department after a hearing, may, within thirty days after the mailing or serving of notice of the decision, file a notice of appeal in the superior court of the county in which the nursing home is located or to be located, and serve a copy of the notice of appeal upon the department. Thereupon the department shall promptly certify and file with the court a copy of the record and decision, including the transcript of the hearing on which the decision is based. Findings of fact by the department shall be conclusive unless unsupported by substantial evidence, but upon good cause shown the court may remand the case to the department to take further evidence, and the department may thereupon affirm or reverse, or modify its decision. The court may affirm or reverse the decision of the department and either the applicant or licensee or the department may apply for further review as is provided by law. Pending final disposition of the matter the *status quo* of the applicant or licensee shall be preserved, except as the court otherwise orders in the public interest.

Appeal.

Status quo preserved.

SEC. 15. Fire protection with respect to all nursing homes to be licensed hereunder, shall be the responsibility of the state fire marshal, who shall adopt by reference, such recognized standards as may be applicable to nursing homes, places of refuge, and maternity homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a

Fire protection.

State fire marshal.

Inspection
by state fire
marshal.

license, shall submit to the state fire marshal in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the state fire marshal or his deputy, shall make an inspection of the nursing home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the state fire marshal, he shall promptly make a written report to the department as to the manner in which the premises may qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the state fire marshal upon completion of any requirements made by him, and the state fire marshal, or his deputy, shall make a reinspection of such premises. Whenever the nursing home to be licensed meets with the approval of the state fire marshal, he shall submit to the department, a written report approving same with respect to fire protection before a license can be issued. The state fire marshal shall make or cause to be made such inspection of such nursing homes as he deems necessary.

Reinspection.

Local
inspection.

In cities which have in force a comprehensive building code, the regulation of which is equal to the minimum standards of the state fire marshal's code for nursing homes, the building inspector and the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection and shall approve the premises before a license can be issued.

In cities where such building codes are in force, the state fire marshal may, upon request by the chief fire official, or the local governing body, or of a taxpayer of such city, assist in the enforcement of any such code pertaining to nursing homes.

SEC. 16. Any person operating or maintaining any nursing home without a license under this act shall be guilty of a misdemeanor and each day of a continuing violation after conviction shall be considered a separate offense.

Operation without license a misdemeanor.

SEC. 17. Notwithstanding the existence or use of any other remedy, the department, may, in the manner provided by law, upon the advice of the attorney general who shall represent the department in the proceedings, maintain an action in the name of the state for an injunction or other process against any person to restrain or prevent the operation or maintenance of a nursing home without a license under this act.

Attorney general.

Injunction.

SEC. 18. There is hereby appropriated from the general fund to the state director of health the sum of twenty thousand dollars to carry out the provisions of this act.

Appropriation.

SEC. 19. There is hereby appropriated from the general fund to the insurance commissioner the sum of twenty-five thousand dollars to carry out the provisions of this act relating to the duties of state fire marshal for the biennium ending March 31, 1953.

Appropriation.

SEC. 20. Section 74.32.010, R.C.W., as derived from section 1, chapter 100, Laws of 1945, is amended to read as follows:

The term "Place of Refuge" when used in this chapter, shall mean any hospital, asylum, almshouse, building, or dwelling for housing the aged, infirm, or imbeciles, wherein three or more persons, not related by blood or marriage to the householder, owner, operator, or manager thereof, are lodged or boarded more than fifteen days in any calendar month. It shall not include any hospital approved by the American College of Surgeons or the Ameri-

"Place of refuge."

Excluded.

can College of Physicians, or any state institution; nor shall it include any nursing home which is licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such institutions.

[Am. Rem. Supp. 1945, § 8358a.]

SEC. 21. Nothing in this act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any nursing home or institution conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination.

Treatment
by prayer.

SEC. 22. If any provision of this act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

Partial
invalidity.

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