

the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 19, 1951.

Passed the House March 6, 1951.

Approved by the Governor March 16, 1951.

CHAPTER 168.

[S. B. 288.]

REGULATION OF MATERNITY HOMES.

AN ACT relating to licensing and regulation of maternity homes; providing for penalties; and repealing chapter 18.46, R.C.W.

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

Declaration
of purpose.

SECTION 1. The purpose of this act is to provide for the development, establishment, and enforcement of standards for the maintenance and operation of maternity homes, which, in the light of advancing knowledge, will promote safe and adequate care and treatment of the individuals therein.

"Maternity
Home."

SEC. 2. (1) "Maternity home" means any home, place, hospital or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery: *Provided, however,* That this act shall not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association or its successor.

Exclusion.

"Person."

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

"Depart-
ment."

(3) "Department" means the state department of health.

"Board."

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

SEC. 3. After July 1, 1951 no person shall operate a maternity home in this state without a license under this act.

License
required.

SEC. 4. 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 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 charitable or non-profit or government-operated institutions.

Application.

Fee.

Exception.

SEC. 5. Upon receipt of an application for a license and the license fee, where required, the licensing agency shall issue a license if the applicant and the maternity 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 provided by the department and shall be filed in the department not less than ten days prior to its expiration. Each application for renewal shall be accompanied by a license fee of twenty-five dollars. Each license shall be issued only for the premises and persons named in the application and shall not be transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises.

License.

Annual
renewal.

Expiration.

Application
for renewal.

Renewal fee.

Assignment.

Posting.

SEC. 6. 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 failure

Denial,
suspension
or revocation
of licenses.

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. The 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. The procedure governing hearings authorized by this section shall be in accordance with the rules promulgated by the board. 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.

Findings and conclusions.

Decision, when final.

Appeal.

Hearing procedure.

Record of proceedings.

Transcript.

Witnesses.

Board to adopt rules and regulations.

SEC. 7. The board, after consultation with representatives of maternity home operators, state medical association, Washington osteopathic association, state nurses association, state hospital association, and any other representatives as the board may deem necessary, shall adopt, amend, and promulgate such rules and regulations with respect to all maternity homes in the promotion of safe and adequate medical and nursing care of inmates in the maternity home and the sanitary, hygienic and safe condition

of the maternity home in the interest of the health, safety and welfare of the people.

SEC. 8. Any maternity 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, under the particular circumstances, not to exceed three months from the date of such promulgation, to comply with the rules and regulations established under this act.

Existing
maternity
homes.

Time to
comply with
rules.

SEC. 9. The department shall make or cause to be made an inspection and investigation of all maternity homes, and every inspection may include an inspection of every part of the premises. The department may make an examination of all records, methods of administration, the general and special dietary and the stores and methods of supply. The board may prescribe by regulation that any licensee or applicant desiring to make specified types of alteration or addition to its facilities or to construct new facilities shall before commencing such alterations, addition, or new construction submit plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with regulations and standards herein authorized. Necessary conferences and consultations may be provided.

Inspection
of maternity
homes.

Regulation
concerning
alterations.

Plans sub-
mitted to
department.

SEC. 10. All information received by the department through filed reports, inspection, or as otherwise authorized under this act shall not be disclosed publicly in any manner as to identify individuals or maternity homes except in a proceeding involving the question of licensure.

Disclosure
of informa-
tion received
by depart-
ment:

SEC. 11. 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 maternity

Appeal to
superior
court.

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 hearings on which the decision is based.

Findings conclusive.

Findings of fact by the department shall be conclusive unless substantially contrary to the weight of the 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, 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.

Remand for further evidence.

Further review.

Status quo preserved on appeal.

Fire protection; state fire marshal to adopt standards.

SEC. 12. Fire protection with respect to all maternity 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 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 maternity 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

Inspection.

Written report where premises do not comply.

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 maternity 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 maternity homes as he deems necessary.

Reinspection.

Approval.

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 maternity 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.

Cities having building code.

Inspection by chief.

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 maternity homes.

Enforcement of code; state fire marshal may assist.

SEC. 13. Any person operating or maintaining any maternity home without a license under this act shall be guilty of a misdemeanor. Each day of a continuing violation after conviction shall be considered a separate offense.

Misdemeanor to operate without a license.

SEC. 14. 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 all proceedings, maintain an action in the name of the state for an injunction or other process against any person to restrain or prevent the oper-

Upon advice of attorney general; injunction.

ation or maintenance of a maternity home not licensed under this act.

Homes conducted for or by members of religious sects which depend upon prayer for healing.

SEC. 15. 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 and nursing care of residents or patients in any maternity home as defined in this act, conducted for or by members of a recognized religious sect, denomination, or organization which in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion, nor shall the existence of any of the above conditions militate against the licensing of such home or institution.

Repealing clause.

SEC. 16. Chapter 18.46, R.C.W., as derived from chapter 214, Laws of 1943, is repealed.

[Rep. Rem. Supp. 1943, §§ 6130-47 to 6130-51 incl.]

Partial invalidity.

SEC. 17. 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 provision or application, and to this end the provisions of the act are declared to be severable.

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