

CHAPTER 160.

[S. B. 96.]

NURSING HOMES.

AN ACT relating to nursing homes; amending sections 18.51.010, 18.51.020, 18.51.040, 18.51.050, 18.51.060, 18.51.090, 18.51.120, 18.51.130, and 18.51.140, RCW; repealing section 18.51.080, RCW; and declaring an emergency.

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

SECTION 1. Section 18.51.010, RCW, as derived from section 2, chapter 117, Laws of 1951, is amended to read as follows: Amendment.

(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 three 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 but not be limited to any or all procedures commonly employed 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. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operated to "Nursing Home."
Convalescent and chronic care.
General hospitals and other places excluded.

give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. 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 chapter.

"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.

"Approved health department."

(6) "Approved health department" means any city, county, or district health department which holds a certificate of approval under this act.

Amendment.

SEC. 2. Section 18.51.020, RCW, as derived from section 3, chapter 117, Laws of 1951, is amended to read as follows:

Certain powers may be delegated to local authorities.

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 inspect and conduct investigations of nursing homes within its jurisdiction and with the department jointly issue, deny, suspend or revoke licenses for such nursing homes. 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. 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 inspect and conduct investigations of nursing homes.

SEC. 3. Section 18.51.040, RCW, as derived from section 5, chapter 117, Laws of 1951, is amended to read as follows: Amendment.

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. Application for license.

SEC. 4. Section 18.51.050, RCW, as derived from section 6, chapter 117, Laws of 1951, is amended to read as follows: Amendment.

Upon receipt of an application for license, the department, or the department and the approved health department jointly, shall issue a license or a provisional license if the applicant and the nursing home facilities meet the requirements established under this chapter. At the time of issuance or renewal of the license or provisional license the licensee shall pay 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. No fee shall be required of government operated institutions. When the license or provisional license is issued jointly by the department and an approved health department, the license fee shall be paid to the approved health department. All licenses issued under the provisions of this act shall expire on the first day of July next succeeding the date of issue. All applications for renewal of license shall be made not later than thirty days prior to the date of expiration of the license. 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 Licenses; issued by department.

Fees.

Expiration.

Renewal.

Non-transferable.

Posting.

be posted in a conspicuous place on the licensed premises.

Violations;
provisional
license may
be issued.

If there be a failure to comply with the provisions of this chapter or the standards, rules and regulations promulgated pursuant thereto, the department, or the department and approved health department, may in its discretion issue to an applicant for a license, or for the renewal of a license, a provisional license which will permit the operation of the nursing home for a period to be determined by the department, or the department and approved health department, but not to exceed twelve months.

Amendment.

SEC. 5. Section 18.51.060, RCW, as derived from section 7, chapter 117, Laws of 1951, is amended to read as follows:

Suspension,
denial or
revocation
of licenses.

The department or the department and the approved health department jointly, as the case may be, is authorized to deny, suspend, or revoke a license or provisional license in the manner prescribed herein, in any case in which it finds that there has been a failure or refusal to comply with the requirements of this chapter or the standards, rules and regulations established hereunder. The department, or the department and the approved health department, shall issue an order to the applicant or licensee giving notice of any rejection, revocation or suspension, which order shall become final thirty days after the date of mailing, provided the applicant or licensee does not within ten days from the date of mailing of the department's, or the department and the approved health department's, order of rejection, revocation, or suspension of license, make written application to the department for a hearing. The department shall then fix a time for such hearing and shall give the applicant or licensee a notice of the time fixed for such hearing. The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the board

Notice.

Hearing.

Notice.

after consultation with the advisory nursing home council. The department shall render its decision affirming, modifying or setting aside the order of the department, or the department and the approved health department, which decision in the absence of an appeal therefrom as provided by this chapter, shall become final fifteen days after the date of mailing.

Hearing procedure.

Decision of department final; when.

SEC. 6. Section 18.51.090, RCW, as derived from section 10, chapter 117, Laws of 1951, is amended to read as follows:

Amendment.

The department or approved health department shall make or cause to be made at least a yearly inspection and investigation of all nursing homes. Every inspection may include an inspection of every part of the premises and an examination of all records other than financial records, methods of administration, the general and special dietary and the stores and methods of supply. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given the applicant or licensee and the department. 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.

Notice of violations.

Alterations or new facilities.

SEC. 7. Section 18.51.120, RCW, as derived from section 13, chapter 117, Laws of 1951, is amended to read as follows:

Amendment.

All information received by the department or approved health department through filed reports,

Disclosure of information received by department.

inspections, or as otherwise authorized under this chapter, shall not be disclosed publicly in any manner as to identify individuals or nursing homes, except in a proceeding involving the question of licensure.

Amendment.

SEC. 8. Section 18.51.130, RCW, as derived from section 14, chapter 117, Laws of 1951, is amended to read as follows:

Appeal.

Within ten days after the date of mailing of the decision of the department, the interested applicant or licensee may appeal to the superior court of the county in which the nursing home is located or to be located and such appeal shall be heard as a case in equity, but upon such appeal only such issues of law may be raised as were properly included in the hearing before the department. Proceedings of every such appeal shall be informal and summary, but full opportunity to be heard upon the issues of law shall be had before judgment is pronounced. Such appeal shall be perfected by serving a notice of appeal on the department by personal service, or by mailing a copy thereof to the department and by filing the notice of appeal together with proof of service thereof, with the clerk of the court. The service and the filing together with proof of service of the notice of appeal all within ten days shall be jurisdictional. The department shall within ten days after receipt of such notice of appeal serve and file a notice of appearance upon appellant or his attorney of record and such appeal shall thereupon be deemed at issue. The department shall serve upon the appellant and file with the clerk of the court before hearing, a certified copy of the complete record of the administrative proceedings which shall, upon being so filed, become the record in such case.

Notice of appeal.

Filing of notice and proof of service within 10 days jurisdictional.

Notice of appearance.

Copy of record.

Amendment.

SEC. 9. Section 18.51.140, RCW, as derived from section 15, chapter 117, Laws of 1951, is amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all nursing homes to be licensed hereunder, shall be the responsibility of the state fire marshal, who shall adopt such recognized standards as may be applicable to nursing 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 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 nursing home and the department as to the manner and time allowed in which the premises must 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 full license can be issued. The state fire marshal shall make or cause to be made inspections of such nursing homes at least annually.

In cities which have in force a comprehensive building code, the provisions of which are determined by the state fire marshal to be equal to the minimum standards of the state fire marshal's code for nursing homes, the chief of the fire department, provided the latter is a paid chief of a paid fire de-

Fire protection.

State fire marshal.

Inspection by state fire marshal.

Report.

Reinspection.

Report.

Annual inspection.

Local inspection.

partment, shall make the inspection with the state fire marshal or his deputy and they shall jointly approve the premises before a full license can be issued.

Repealing clause.

SEC. 10. Section 18.51.080, RCW, as derived from section 9, chapter 117, Laws of 1951, is repealed.

Emergency.

SEC. 11. This act is necessary for the immediate preservation of the public peace, health and safety, and for the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 11, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 161.

[S. B. 99.]

EMERGENCY VEHICLES—WARNING LIGHTS AND SIGNS.

AN ACT relating to fire department vehicles and private cars of emergency workers; and defining crimes.

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

Fire department vehicles; lighting requirements.

SECTION 1. All fire department vehicles in service shall be identified by red lights of an intermittent flashing type, visible from both front and rear for a distance of five hundred feet under normal atmospheric conditions. Such red flashing lights shall be well separated from the headlights so that they will not black out when headlights are on. Such red flashing lights shall be in operation at all times when such vehicle is on emergency status.

SEC. 2. Firemen, when approved by the chief of their respective service, shall be authorized to use a blue light on the front of their private cars when