

## CHAPTER 253.

[ Sub. H. B. 532. ]

## BOARDING HOMES.

AN ACT relating to licensing and regulation of boarding homes; providing penalties and making appropriations; repealing chapter 70, Laws of 1943 as amended by chapter 100, Laws of 1945, section 20; chapter 117, Laws of 1951 and RCW 74.32.010 through RCW 74.32.100; and declaring an emergency.

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

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 boarding homes, which, in the light of advancing knowledge, will promote safe and adequate care of the individuals therein.

Definitions. SEC. 2. As used in this act:

"Aged person." (1) "Aged person" means a person of the age sixty-five years or more, or a person of less than sixty-five years who by reason of infirmity requires domiciliary care.

"Boarding home." (2) "Boarding home" means any home or other institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing board and domiciliary care to three or more aged persons not related by blood or marriage to the operator. It shall not include any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof.

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

"Director." (4) "Director" means the state director of health.

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

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

(7) "Authorized department" means any city, county, city-county health department or health district authorized by the director of the state department of health to carry out the provisions of this act. "Authorized department."

SEC. 3. After January 1, 1958, no person shall operate or maintain a boarding home as defined in this act within this state without a license under this act. License required.

SEC. 4. An application for a license shall be made to the department or authorized department upon forms provided by either of said departments and shall contain such information as the department reasonably requires, which shall include affirmative evidence of ability to comply with such rules and regulations as are lawfully promulgated by the board. License application—Contents.

SEC. 5. Upon receipt of an application for license, if the applicant and the boarding home facilities meet the requirements established under this act, the department or the department and the authorized health department jointly, shall issue a license. If there is a failure to comply with the provisions of this act or the standards, rules and regulations promulgated pursuant thereto, the department, or the department and authorized 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 boarding home for a period to be determined by the department, or the department and authorized health department, but not to exceed twelve months, which provisional license shall not be subject to renewal. At the time of the issuance or renewal of a license or provisional license the licensee shall pay a license Licenses, provisional licenses. Issuance. Fees—Expiration—Posting.

Boarding  
homes.  
Licenses, pro-  
visional li-  
censes.  
Fee—Expira-  
tion—  
Posting.

fee of ten dollars plus one dollar per bed capacity per year, but in no event shall the total exceed fifty dollars. When the license or provisional license is issued jointly by the department and authorized health department, the license fee shall be paid to the authorized health department. All licenses issued under the provisions of this act shall expire on the first day of January 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. Licenses shall be posted in a conspicuous place on the licensed premises.

Denial, sus-  
pension or  
revocation of  
licenses—No-  
tice—Hearing  
—Procedure  
—Decision.

SEC. 6. The department or the department and authorized department jointly, as the case may be, after notice and opportunity for hearing to the applicant or license holder, is authorized to deny, suspend or revoke a license in any case in which it finds there has been a failure or refusal to comply with the requirements established under this act or the regulations promulgated pursuant thereto.

Notice of denial, suspension, or revocation shall be given by registered mail, or by personal service in the manner of service of summons in a civil action; which notice shall set forth the particular reasons for the proposed denial, suspension or revocation and shall fix a date not less than twenty days from the date of mailing or service, during which the applicant or licensee may in writing request a hearing on the denial, suspension, or revocation. If the applicant or licensee fails to request a hearing within that time, the department or the department and authorized department jointly may deny, suspend or revoke the license without further notice or action. The order of denial, suspension or revocation shall be mailed to the applicant or license holder by

registered mail or personally served on him in the manner of service of summons in a civil action.

Denial, suspension or revocation of licenses. Hearing—Procedure—Decision.

If the applicant or licensee requests a hearing within such time the department shall fix a time for the hearing and shall give the applicant or licensee or such person's attorney, written notice thereof.

The procedure governing hearings shall be in accordance with rules promulgated by the board and such hearing shall be informal and summary, except that a record shall be kept of the testimony taken on behalf of the applicant or licensee and the department, which need not be transcribed unless an appeal is taken therefrom. The department shall render its decision within a reasonable time after the hearing and issue its order, which shall be served on the applicant or licensee or such person's attorney, and the order shall become final unless an appeal is taken therefrom.

SEC. 7. Within twenty 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 boarding home is located or is to be located, and such appeal shall be heard de novo 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. Full opportunity to be heard upon the issues of law and fact shall be had before judgment is pronounced. Such appeal shall be perfected by serving a notice of appeal with 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 twenty days shall be jurisdictional. The department shall within twenty 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

Appeal—Procedure.

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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. The cost of transcribing the record shall be borne by the appellant where the order of the department is affirmed by the court. In the event of modification or reversal, such cost shall be borne as directed by the court.

Advisory  
council.  
Members—  
Terms—Meet-  
ings—Ex-  
penses.

SEC. 8. The director shall appoint a council to serve in an advisory capacity to the department, which, after consultation with the state department of public assistance shall advise with reference to matters of policy affecting administration of this act, and in the development of rules and regulations provided for herein. The council shall be comprised of the director who shall serve as chairman ex officio, and six members interested in housing for the aged and shall include one representative of each of the following organizations or groups: The Washington state legislature, the department of public assistance, the Association of Homes for the Aged in Washington, commercial boarding homes, and The Washington State Nursing Home Association. Each member of the council other than the director shall be appointed for a term of three years.

The members of the council shall meet as frequently as the chairman deems necessary, but not less than once every year. Upon request by four or more members, it shall be the duty of the chairman to call a meeting of the council. The members of the council shall be reimbursed by the department for actual and necessary expenses incurred in the discharge of their official duties.

SEC. 9. The board, with the advice of the advisory boarding home council, shall adopt, amend,

and promulgate such rules, regulations, and standards with respect to all boarding homes and operators thereof to be licensed hereunder as may be designed to further the accomplishment of the purposes of this act in promoting safe and adequate care of individuals in boarding homes and the sanitary, hygienic and safe conditions of the boarding home in the interest of public health, safety, and welfare.

Board of health to promulgate rules and standards.

SEC. 10. Where it is determined by the director together with the jurisdictional health officer, that a city, county, city-county health department or health district is qualified to carry out the provisions of this act, he shall authorize such political subdivision or agency to administer and enforce this act, and the rules and regulations promulgated hereunder.

Political subdivision or agency may administer act.

Any such authorization may be withdrawn by the director after thirty days' notice in writing to the authorized department should the director determine that the authorized department is unwilling or unable to carry out the duties and responsibilities hereunder.

SEC. 11. The department or authorized health department shall make or cause to be made at least a yearly inspection and investigation of all boarding 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

Boarding home inspection—Notice of violations—Submitting construction plans.

Boarding  
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Submitting  
construction  
plans.

or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit plans and specifications therefor to the department or to the authorized department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

Information  
on reports  
private—Ex-  
ception.

SEC. 12. All information received by the department or authorized health 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 boarding homes, except in a proceeding involving the question of licensure.

Standards for  
fire protec-  
tion—Duties,  
state fire  
marshal.

SEC. 13. Standards for fire protection and the enforcement thereof, with respect to all boarding 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 boarding 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 boarding 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 boarding home and the department or authorized 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, authorized 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 boarding home to be licensed meets with the approval of the state fire marshal, he shall submit to the department or authorized 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 homes at least annually.

Duties, state fire marshal.

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 boarding homes, the chief of the fire department, provided the latter is a paid chief of a paid fire department, 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.

SEC. 14. Any person operating or maintaining any boarding home without a license under this act shall be guilty of a misdemeanor and each day of a continuing violation shall be considered a separate offense.

Violation, misdemeanor  
—Continuing violation.

SEC. 15. 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 boarding home without a license under this act.

Injunctive relief authorized.

SEC. 16. No person operating a boarding home licensed under this act shall admit to or retain in

Certain persons excluded from homes.



the boarding home any aged person requiring nursing or medical care of a type provided by institutions licensed under chapters 18.51, 70.41 or 71.12 RCW.

Boarding homes.  
Construction of act—Limitation.

SEC. 17. 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 in any boarding home 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.

Appropriation to department of health.

SEC. 18. There is appropriated to the state department of health from the general fund for the biennium ending June 30, 1959, for the purposes of carrying out the provisions of this act, the sum of fifty thousand dollars or so much thereof as may be necessary.

Appropriation to insurance commissioner.

SEC. 19. For the biennium ending June 30, 1959, there is appropriated from the general fund to the insurance commissioner, the sum of fifty thousand dollars, or so much thereof as may be necessary, to carry out the provisions of this act relating to the duties of the state fire marshal.

Severability.

SEC. 20. If any part, or parts, of this act shall be held unconstitutional, the remaining provisions shall be given full force and effect, as completely as if the part held unconstitutional had not been included herein, if any such remaining part can then be administered for the purpose of establishing and maintaining standards for boarding homes.

Repeal.

SEC. 21. Chapter 70, Laws of 1943 as amended by chapter 100, Laws of 1945, section 20, chapter 117, Laws of 1951 and RCW 74.32.010 through 74.32.100 are each repealed.

Emergency.

SEC. 22. This act is necessary for the immediate preservation of the public peace, health and safety.

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

Passed the House March 7, 1957.

Passed the Senate March 12, 1957.

Approved by the Governor March 23, 1957.

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## CHAPTER 254.

[ Sub. H. B. 570. ]

### UNIVERSITY OF WASHINGTON—BUILDINGS AND FACILITIES.

AN ACT relating to the construction, completion and remodeling of buildings and facilities at the University of Washington; authorizing the board of regents thereof to construct and finance the same by the issuance of bonds payable from a special fund into which shall be paid certain general tuition fees; authorizing the board to accept federal and other grants; authorizing the legislature to provide additional means for raising money for payment of the bonds; amending section 3, chapter 66, Laws of 1915, as last amended by section 2, chapter 243, Laws of 1947, and RCW 28.77.040; and making appropriations.

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

SECTION 1. The board of regents of the University of Washington is empowered, in accordance with the provisions of this chapter, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature for the use of the University and to finance the payment thereof by bonds payable out of a special fund from revenues hereafter derived from the payment of general tuition fees.

Construction and improvements at university; financing by bonds, authorized.

SEC. 2. The following terms, whenever used or referred to in this chapter, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

Definitions.