

Sec. 31. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

Sec. 32. The provisions of section 3 (12) and section 30 of this act shall not apply to persons holding a license to practice other healing arts as of the effective date of this act, but shall only apply to persons so licensed after the effective date of this act. Limitation,
other healing
arts—Applica-
bility.

Passed the House March 8, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 172.

[Engrossed Substitute House Bill No. 76.]

PUBLIC ASSISTANCE—CHILD, EXPECTANT MOTHERS, ADULT RETARDED CARE.

AN ACT relating to public assistance; amending section 5, chapter 90, Laws of 1965 extraordinary session and RCW 74.32.040; adding new sections to chapter 26, Laws of 1959 and to Title 74 RCW; repealing section 4, chapter 30, Laws of 1965 and RCW 74.13.030; repealing sections 74.14.010, 74.14.020, 74.14.030, 74.14.040, 74.14.050, 74.14.060, 74.14.070, 74.14.080, 74.14.090, 74.14.100, 74.14.110, 74.14.120, 74.14.130, 74.14.140, and 74.14.150, chapter 26, Laws of 1959 and RCW 74.14.010, 74.14.020, 74.14.030, 74.14.040, 74.14.050, 74.14.060, 74.14.070, 74.14.080, 74.14.090, 74.14.100, 74.14.110, 74.14.120, 74.14.130, 74.14.140, and 74.14.150; repealing section 6, chapter 90, Laws of 1965 extraordinary session and RCW 74.32.050; and prescribing penalties.

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

Section 1. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows: New section.

Public assist-
ance—Child,
expectant
mother, adult
retarded, care.
Purpose.

The purpose of this 1967 amendatory act is:

(1) To safeguard the well-being of children, expectant mothers and adult retarded persons receiving care away from their own homes;

(2) To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a child's family, through the use of all available resources, is unable to provide necessary care;

(3) To promote the development of a sufficient number and variety of adequate child-care and maternity-care facilities, both public and private, through the cooperative efforts of public and voluntary agencies and related groups.

(4) To provide consultation to agencies caring for children, expectant mothers or adult retarded persons in order to help them to improve their methods of and facilities for care;

(5) To license agencies as defined in section 2 of this amendatory act and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children, expectant mothers and adult retarded persons.

New section.

Sec. 2. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Definitions.

For the purpose of this 1967 amendatory act, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Department" means the state department of public assistance;

(2) "Director" means the director of the state department of public assistance;

(3) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers or adult retarded

persons for control, care or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers or adult retarded persons for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or adult retarded persons for services rendered:

(a) "Group-care facility" means an agency which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(d) "Day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours; and

(e) "Foster-family home" means an agency which regularly provides care during any part of the twenty-four hour day to one or more children, expectant mothers or adult retarded persons in the family abode of the person or persons under whose direct care and supervision the child, expectant mother or adult retarded person is placed.

"Agency" shall not include the following:

(a) Persons related by blood or marriage to the child, expectant mother or adult retarded persons in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, and/or first cousin;

(b) Persons who are legal guardians of the child, expectant mother or adult retarded persons;

Public assist-
ance—Child,
expectant
mother, adult
retarded,
care—
Definitions.

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person does not engage in such activity on a regular basis, or where parents on a mutually cooperative basis exchange care of one another's children, or persons who have the care of an exchange student in their own home;

(d) Nursery schools or kindergartens which are engaged primarily in educational work with pre-school children and in which no child is enrolled on a regular basis for more than four hours per day;

(e) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(f) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(j) Facilities approved and certified under RCW 72.33.810;

(k) Any agency having been in operation in this state ten years prior to the enactment of this 1967 amendatory act and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund.

(4) "Requirement" means any rule, regulation or standard of care to be maintained by an agency.

Sec. 3. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows: New section.

The director shall have the power and it shall be his duty: Powers of director of institutions—Establishing standards and requirements.

(1) In consultation with the child welfare and day care advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the child welfare and day care advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or adult retarded persons;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

Powers of
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requirements.

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or adult retarded persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to this 1967 amendatory act; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served.

(3) To issue, revoke, or deny licenses to agencies pursuant to this 1967 amendatory act. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(4) To prescribe the procedures and the form and contents of reports necessary for the administration of this 1967 amendatory act and to require regular reports from each licensee;

(5) To inspect agencies periodically to determine whether or not there is compliance with this 1967 amendatory act and the requirements adopted hereunder;

(6) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the child welfare and day care advisory committee; and

(7) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and adult retarded persons.

Sec. 4. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Licenses for foster-family homes under the supervision of a licensed agency shall be issued by the department of public assistance upon certification to the department by the licensed agency that such homes meet the requirements for foster homes as adopted pursuant to this 1967 amendatory act.

Sec. 5. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

The state fire marshal shall have the power and it shall be his duty:

(1) In consultation with the child welfare and day care advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to this 1967 amendatory act, except foster-family homes and child-placing agencies, necessary to protect all persons residing therein from fire hazards;

(2) To make or cause to be made such inspections and investigations of agencies, other than foster-family homes or child-placing agencies, as he deems necessary;

(3) To make a periodic review of requirements under section 3, subsection (6) and to adopt necessary changes after consultation as required in subsection (1) of this section;

(4) To issue to applicants for licenses hereunder, other than foster-family homes or child-placing agencies, who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department of public assistance before a license shall be issued, except that

a provisional license may be issued as provided in section 12 of this 1967 amendatory act.

New section.

Sec. 6. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Power of department of health to assist in regulation of agencies for children, expectant mothers and adult retarded.

The state department of health shall have the power and it shall be its duty:

(1) In consultation with the child welfare and day care advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to assist the department of public assistance in developing minimum requirements pertaining to each category of agency established pursuant to this 1967 amendatory act, except foster-family homes and child-placing agencies, necessary to promote the health of all persons residing therein; and

(2) To assist the director in his periodic review of requirements under section 3, subsection (6) and to make recommendations after consultation as required in subsection (1) of this section.

The state department of health, or the city, county, or district health department designated by it shall have the power and it shall be its duty:

(1) To make or cause to be made such inspections and investigations of agencies, other than foster-family homes and child-placing agencies, as it deems necessary; and

(2) To issue to applicants for licenses hereunder, other than foster-family homes and child-placing agencies, who comply with the requirements adopted hereunder, a certificate of compliance, a copy of which shall be presented to the department of public assistance before a license shall be issued, except that a provisional license may be issued as provided in section 12 of this 1967 amendatory act.

Sec. 7. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

A copy of the articles of incorporation of any agency or amendments to the articles of existing corporation agencies shall be sent by the secretary of state to the department of public assistance at the time such articles or amendments are filed.

New section.

Filing copies of articles of incorporation of agencies.

Sec. 8. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

All agencies subject to this 1967 amendatory act shall accord the department of public assistance, the department of health, and the state fire marshal, or their designees, the right of entrance and the privilege of access to and inspection of records for the purpose of determining whether or not there is compliance with the provisions of this 1967 amendatory act and the requirements adopted thereunder.

New section.

Right of access and inspection of records of agencies.

Sec. 9. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

It shall hereafter be unlawful for any agency to receive children, expectant mothers or adult retarded persons for supervision or care, or arrange for the placement of such persons, unless such agency is licensed as provided in this 1967 amendatory act.

New section.

Agencies required to have licenses.

Sec. 10. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Each agency shall make application for a license or renewal of license to the department of public assistance on forms prescribed by the department. A licensed agency having foster-family homes under its supervision may make application for a license on behalf of any such foster-family home. Upon re-

New section.

Application for licenses—Form—Licenses—Provisional licenses—Term.

Private welfare agencies.

ceipt of such application, the department shall either grant or deny a license within ninety days. A license shall be granted if the agency meets the minimum requirements set forth in this 1967 amendatory act and the departmental requirements consistent herewith, except that a provisional license may be issued as provided in section 12 of this 1967 amendatory act. Licenses provided for in this 1967 amendatory act shall be issued for a period of two years. The licensee, however, shall advise the director of any material change in circumstances which might constitute grounds for reclassification of license as to category.

New section.

Sec. 11. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

License renewal—Application.

If a licensee desires to apply for a renewal of its license, a request for a renewal shall be filed ninety days prior to the expiration date of the license. If the department has failed to act at the time of the expiration date of the license, the license shall continue in effect until such time as the department shall act.

New section.

Sec. 12. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Provisional license—Limitation.

The director of public assistance may, at his discretion, issue a provisional license to an agency or facility for a period not to exceed six months, renewable for a period not to exceed two years, to allow such agency or facility reasonable time to become eligible for full license, except that a provisional license shall not be granted to any foster-family home.

New section.

Sec. 13. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to this 1967 amendatory act may be suspended, revoked or not renewed by the director upon proof (a) that the agency has failed or refused to comply with the provisions of this 1967 amendatory act or the requirements promulgated pursuant to the provisions of this 1967 amendatory act; or (b) that the conditions required for the issuance of a license under this 1967 amendatory act have ceased to exist with respect to such licenses;

Denial,
revocation of
suspension of
license—
Procedure—
Notice—
Hearing.

(2) Whenever the director shall have reasonable cause to believe that grounds for denial, suspension or revocation of a license exist or that a licensee has failed to qualify for renewal of a license he shall notify the licensee in writing by certified mail, stating the grounds upon which it is proposed that the license be denied, suspended, revoked or not renewed.

Within thirty days from the receipt of notice of the grounds for denial, suspension, revocation or lack of renewal, the licensee may serve upon the director a written request for hearing. Service of a request for hearing shall be made by certified mail. Upon receiving a request for hearing, the director shall fix a date upon which the matter may be heard, which date shall be not less than thirty-five days from the receipt of the request for such hearing and he shall also notify the child welfare and day care advisory committee not less than twenty-five days before the hearing date. If no request for hearing is made within the time specified, the license shall be deemed denied, suspended or revoked. It shall be the duty of the director within thirty days after the date of the hearing to notify the appellant of his decision. The director shall promulgate and publish rules governing the conduct of hearings.

Private welfare agencies.

Except as specifically provided above, the rules adopted and the hearings conducted shall be in accordance with Title 34 RCW (Administrative Procedure Act).

New section.

Sec. 14. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Injunction to enforce compliance.

Notwithstanding the existence or pursuit of any other remedy, the director may, in the manner provided by law, upon the advice of the attorney general, who shall represent the department in the proceeding, maintain an action in the name of the state for injunction or such other relief as he may deem advisable against any agency subject to licensing under the provisions of this 1967 amendatory act or against any such agency not having a license as heretofore provided in this 1967 amendatory act.

New section.

Sec. 15. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Operating without license—Penalty.

Any agency operating without a license shall be guilty of a misdemeanor. This section shall not be enforceable against an agency until sixty days after the effective date of new rules, applicable to such agency, have been adopted under this 1967 amendatory act.

New section.

Sec. 16. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Continuation of existing rules.

Existing rules for licensing adopted pursuant to chapter 74.14 RCW, sections 74.14.010 through 74.14.150, chapter 26, Laws of 1959, shall remain in force and effect until new rules are adopted under this 1967 amendatory act, but not thereafter.

New section.

Sec. 17. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

Power of department of public assistance concerning child welfare.

(1) Develop, administer, and supervise a plan that establishes, extend aid to, and strengthens services for the protection and care of homeless, dependent or neglected children, or children in danger of becoming delinquent.

(2) Investigate complaints of neglect, abuse, or abandonment of children by parents, guardians, custodians, or persons serving in loco parentis, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, guardians, custodians or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. If the investigation reveals that a crime may have been committed, notify the appropriate law enforcement agency.

(3) Cooperate with other public and voluntary agencies and organizations in the development and coordination of programs and activities in behalf of children.

(4) Have authority to accept custody of children from parents, guardians, and/or juvenile courts, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and to make payment of maintenance costs if needed.

(5) Have authority to purchase care for children and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(6) Establish a child welfare and day care advisory committee who shall act as an advisory com-

Private welfare agencies.

mittee to the state advisory committee and to the director in the development of policy on all matters pertaining to child welfare, day care, licensing of child care agencies, and services related thereto.

New section.

Sec. 18. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Child welfare and day care advisory committee—
Membership—
Terms—
Duties.

The child welfare and day care advisory committee shall consist of fifteen members. The director shall designate a chairman. The committee shall hold original terms of office under this 1967 amendatory act as follows:

Five members shall serve for one year; five members shall serve two years; and five members shall serve three years. Upon expiration of the original terms, subsequent appointments shall be for three years except that in the case of a vacancy, in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy occurs.

There shall be included among the members of the committee one representative from each of the following state agencies:

- (1) The state department of health;
- (2) The department of public instruction;
- (3) The department of institutions; and
- (4) The office of the state fire marshal.

These members shall be the respective directors or the state fire marshal, or the directors' or the state fire marshal's designee, as the case may be.

Five members shall be appointed by the director from representatives of agencies subject to licensing under this 1967 amendatory act, the members to represent a variety of types of agencies including sectarian and nonsectarian agencies and from different geographical areas of the state.

The remaining members shall be appointed by the director on the basis of their interest in and concern for the welfare of children and selected insofar as possible to represent all geographical areas of the state and to represent a wide variety of groups interested in the welfare of children.

The committee shall become informed about child welfare service needs of the children of this state and the extent to which resources are available to meet those needs.

Sec. 19. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows: New section.

There shall be established a subcommittee of the child welfare and day care advisory committee which shall have as its primary concern all matters relating to licensing of agencies as contained in this 1967 amendatory act. Members of this subcommittee shall consist of one representative of each of the following state agencies: Subcommittee of child welfare and day care advisory committee—Duties—Members.

- (1) The department of health;
- (2) The department of institutions;
- (3) The office of the state fire marshal; and
- (4) Five members representative of sectarian and nonsectarian agencies from different geographical areas of the state, subject to licensing under this 1967 amendatory act.

Sec. 20. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows: New section.

The committee and the subcommittee shall include among its functions: Subcommittee of child welfare and day care advisory committee—Functions.

- (1) Advising the department on matters of policy affecting the licensing of agencies and in the development of requirements therefor;

Subcommittee of child welfare and day care advisory committee—
Functions.

(2) Recommending categories of facilities for which separate or different requirements for licensing of agencies shall be developed;

(3) Reviewing and making recommendations with respect to licensing requirements and amendments thereto prior to their adoption and publication;

(4) Reviewing (a) at the request of an agency, minimum requirements adopted pursuant to this 1967 amendatory act; (b) at the request of an applicant, its proposed application for license; and making recommendations to the department in respect thereto.

Members of the committee shall be reimbursed for their actual expenses incurred in attending authorized meetings, but not to exceed the per diem and travel rates as established for state employees.

New section.

Sec. 21. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Exemptions.

Nothing in this chapter 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 of any agency, children's institution, child placing agency, maternity home, day or hourly nursery, foster home or other related institution 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 a home or institution.

RCW 74.32.040 amended.

Sec. 22. Section 5, chapter 90, Laws of 1965 extraordinary session and RCW 74.32.040 are each amended to read as follows:

The child welfare and day care advisory committee shall consist of fifteen members. The medical care advisory committee shall consist of twelve members, and the advisory committee for the blind shall consist of three members. The members of the medical care advisory committee and the advisory committee for the blind shall be appointed by the director. Appointment of the members of the child welfare and day care advisory committee shall be made as required under section 17 through 20 of this 1967 amendatory act. The director shall designate a chairman for each committee. The members of the medical care advisory committee shall hold original terms of office as follows: Four members shall serve one year; four members to serve two years; and four members to serve three years. The members of the advisory committee for the blind shall hold original terms of office as follows: One member to serve one year; one member to serve two years; and one member to serve three years. Upon expiration of said original terms, subsequent appointments shall be for three years except in the case of a vacancy in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy occurs.

Child welfare and day care advisory committees—Composition.

Sec. 23. Section 4, chapter 30, Laws of 1965 and RCW 74.13.030; sections 74.14.010, 74.14.020, 74.14.030, 74.14.040, 74.14.050, 74.14.060, 74.14.070, 74.14.080, 74.14.090, 74.14.100, 74.14.110, 74.14.120, 74.14.130, 74.14.140, and 74.14.150, chapter 26, Laws of 1959 and RCW 74.14.010, 74.14.020, 74.14.030, 74.14.040, 74.14.050, 74.14.060, 74.14.070, 74.14.080, 74.14.090, 74.14.100, 74.14.110, 74.14.120, 74.14.130, 74.14.140, and 74.14.150; and section 6, chapter 90, Laws of 1965 extraordinary session and RCW 74.32.050 are each hereby repealed.

Severability.

Sec. 24. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House February 18, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 173.

[Engrossed House Bill No. 223.]

PUBLIC FUNDS—INVESTMENT.

AN ACT relating to public funds; and amending section 36.29.020, chapter 4, Laws of 1963 as amended by section 2, chapter 111, Laws of 1965, and RCW 36.29.020; and declaring an emergency.

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

RCW 36.29.020 amended.

Section 1. Section 36.29.020, chapter 4, Laws of 1963 as amended by section 2, chapter 111, Laws of 1965, and RCW 36.29.020 are each amended to read as follows:

Public funds in custody and control of county treasurer—Investment.

The county treasurer shall keep all moneys belonging to the state, or to any county, in his own possession until disbursed according to law. He shall not place the same in the possession of any person to be used for any purpose; nor shall he loan or in any manner use or permit any person to use the same; but it shall be lawful for a county treasurer to deposit any such moneys in any regularly designated county depository. Any municipal corporation may by action of its governing body authorize any of its funds which are not required for immediate expenditure, and which are in the custody of the county treasurer or other municipal corporation