

effective only until chapter 223, Laws of 1969 ex. sess. shall take effect, upon which date sections 7 through 21 hereof shall become void and of no effect and sections 22 through 33 of this act shall become effective.

NEW SECTION. Sec. 109. This 1970 amendatory 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 Senate February 11, 1970  
Passed the House February 11, 1970  
Approved by the Governor February 23, 1970  
Filed in Office of Secretary of State February 24, 1970

CHAPTER 57  
[Substitute Senate Bill No. 161]  
NURSING HOME ADMINISTRATORS--LICENSING

AN ACT Providing for the licensing of the administrators of nursing homes and similar facilities; creating a board of examiners for licensing of nursing home administrators; establishing standards; prescribing penalties; providing an effective date; making an appropriation; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. This 1970 act shall be known as the "Nursing Home Administrator Licensing Act" and is intended to establish and provide for the enforcement of standards for the licensing of nursing home administrators.

NEW SECTION. Sec. 2. When used in this 1970 act, unless the context otherwise clearly requires:

(1) "Board" means the state board of examiners for the licensing of nursing home administrators representative of the professions and institutions concerned with the care of the chronically ill and infirm aged patients.

(2) "Director" means the director of the department of motor vehicles.

(3) "Nursing home" means any institution, facility, building, place, or agency, or portion thereof, in which there is provided

v- care and treatment for persons requiring primarily convalescent, or long term nursing care and to which persons may be admitted for an overnight stay or longer; and also means any facility or portion thereof licensed under state law as a nursing home.

(4) "Nursing home administrator" means an individual in active administrative charge of nursing homes as defined herein, whether or not having an ownership interest in such homes, and although functions and duties may be shared with or delegated to other persons: PROVIDED HOWEVER, That nothing in this definition or this 1970 act shall be construed to prevent any person, so long as he is otherwise qualified, from obtaining and maintaining a license even though he has not administered or does not continue to administer a nursing home.

NEW SECTION. Sec. 3. On or after July 1, 1970 nursing homes operating within this state must be under the active, overall administrative charge and supervision of an administrator licensed as provided in this 1970 act. An administrator may delegate functions and duties to other persons. No person acting in any capacity, unless he is the holder of a nursing home administrator's license issued under this 1970 act, shall be charged with the overall responsibility to make decisions or direct actions involved in managing the internal operation of a nursing home.

NEW SECTION. Sec. 4. A state board of examiners for nursing home administrators is hereby created. Six of the board's nine members shall be privately or self-employed persons who the governor finds have had at least four years of actual experience in the administration or overall management of licensed nursing homes in this state immediately prior to the governor's appointment of them to the board. Three members of the board shall be representatives from the medical professions, or health care administration education, or persons with four years actual experience in the administration of the nursing home unit of a licensed hospital immediately preceding the governor's appointment of them to the board; and shall be privately

or self-employed persons, or persons employed by educational institutions, whom the governor appoints because of their special knowledge or expertise in the field of long term care or the care of the aged and chronically ill. Board members selected who meet any of the preceding qualifications may in addition be nurses, physicians or other persons with special health care training. The governor shall consult with and seek the recommendations of the appropriate state-wide business and professional organizations and societies primarily concerned with long term health care facilities in the course of considering his appointments to the board.

NEW SECTION. Sec. 5. Members of the board shall be citizens of the United States and residents of this state. Except for the initial appointments to the first board, all administrator members of the board shall be holders of licenses under this 1970 act. Three members of the board shall be appointed initially for terms of three years, three members shall be appointed for terms of two years, and three members shall be appointed for terms of one year. Thereafter the terms of all members shall be three years. Members of the board may be removed by the governor for cause after appropriate notice and hearing.

NEW SECTION. Sec. 6. The board shall elect from its membership a chairman, vice chairman, and secretary-treasurer, and shall adopt rules and regulations to govern its proceedings. The chairman or four board members by signed written request may call board meetings upon reasonable written notice to each member. Each member shall receive twenty-five dollars per diem for each day or major portion thereof actually spent on official business, plus travel expenses as provided in RCW 43.03.060. A full time or part time executive secretary for the board may be employed by the director through the department of motor vehicles, and the director through the department of motor vehicles shall provide the executive secretary and the board with such secretarial, administrative, and other assistance as may be required to carry out the purposes of this 1970 act. Employment of an

executive secretary shall be subject to confirmation by the board. The position of executive secretary shall be exempt from the requirements of chapter 41.06 RCW.

NEW SECTION. Sec. 7. Upon the director's receipt of a fifty dollar application and examination fee, and completed application forms provided by the director, a nursing home administrator's license shall be issued to any person who:

- (1) Is at least twenty-one years of age and of good moral character.
- (2) Has satisfactorily completed a course of instruction and training concerning nursing home or health facility administration approved by the board, or has presented upon his affidavit evidence satisfactory to the board of at least two years of practical experience in the field of institutional administration which, regardless of formal training or instruction, is in the opinion of the board equivalent to two years of experience in the operation of a nursing home.
- (3) Has passed an examination administered by the board which shall be designed to test the candidate's competence to administer a nursing home on the basis of the candidate's formal instruction and training or actual experience: PROVIDED HOWEVER, Nothing in this 1970 act or the rules and regulations thereunder shall be construed to require an applicant for a license or provisional license as a nursing home administrator who is certified by any well established and generally recognized church or religious denomination which teaches reliance on spiritual means alone for healing as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teachings, to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided in such institutions: PROVIDED FURTHER, That any such individual shall demonstrate in the process of application for the examina-

tion his membership in such church or religious denomination and his license shall indicate the limited extent of his authority to act as an administrator.

(4) The initial administrator members of the board shall be selected and appointed by the governor to meet the requirements of subsection (1) of this section and of sections 4 and 5 of this 1970 act. The three nonadministrator members of the first board shall administer to the initial administrator members an appropriate examination, and the initial administrator members shall thereafter be issued their licenses under this act as nursing home administrators. The three nonadministrator members of the first board may exercise the powers of the board to carry out licensing of the initial administrator members, regardless of the normal quorum or procedural requirements for board action. The licensing of the initial administrator members of the first board shall be carried out within thirty days after appointment of the board, and in all events prior to April 1, 1970.

NEW SECTION. Sec. 8. (1) Upon the directors' receipt of a one hundred dollar annual fee, a provisional license may be issued to any individual applying therefor who has served, as shown by such individual's affidavit, as a nursing home administrator during all of the calendar year immediately preceding July 1, 1970 and meets the standards of section 7(1) of this 1970 act. Any such provisional license shall terminate after two years or at midnight, June 30, 1972, whichever is earlier. If prior to the expiration of such provisional license, the provisional licensee has qualified to take and has passed the examination required by the board, a nursing home administrator's license shall be issued to him.

(2) If a provisional license is issued to any individual, there shall be provided in this state during all of the period for which such provisional license remains in effect a program of training and instruction designed to enable all provisional licensed nursing home administrators to attain the qualifications necessary

to be fully licensed as a nursing home administrator as provided under this 1970 act. The single state agency administering the program of this state under Title XIX of the Federal Social Security Act shall apply for, receive, and administer such federal funds as are made available to carry out the educational programs contemplated by this section.

NEW SECTION. Sec. 9. The director shall have the administrative duty and responsibility to:

(1) Issue nursing home administrator's licenses to individuals who meet the licensing requirements of sections 7 and 8 of this 1970 act;

(2) Advise and assist the executive secretary or board as may be required in the investigation of complaints against nursing home administrators, and upon order of the board and after notice and hearing before the board, revoke, suspend for not more than thirty days, or refuse to reregister the license of any holder or applicant who fails to meet the licensing requirements of this 1970 act.

NEW SECTION. Sec. 10. The board with the assistance of the director for administrative matters shall have the duty and responsibility within the limits provided in this 1970 act:

(1) To develop standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators as provided in this 1970 act.

(2) To develop appropriate techniques, including examinations and investigations to the extent necessary to determine whether an individual meets such standards for licensing.

(3) To order the director to issue licenses to individuals determined by the board, after the application of such techniques,

to meet such standards, and after notice and hearing to order the director to revoke, suspend or refuse to reregister licenses previously issued in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards for licensing.

(4) To investigate, and take appropriate action with respect to, any charge or complaint filed with the board or director to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of the standards for licensing.

(5) To conduct a continuing study and investigation of the licensing of administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of new administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who are to be licensed.

(6) To encourage qualified educational institutions and other qualified organizations to establish, provide, and conduct and continue such training and instruction courses and programs as will enable all otherwise qualified individuals to attain the qualifications necessary to meet the standards for licensing nursing home administrators.

(7) To establish and carry out procedures, if required, designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements and standards for licensing set forth in this 1970 act.

(8) To establish appropriate procedures for the issuance in unusual circumstances and without examination of temporary license permits as nursing home administrators. Such permits may be issued and renewed by the director pursuant to rules and regulations which shall be established by the board. Such permits and renewals shall be subject to confirmation or rescission by order of the board upon

review at the next board meeting. Any such permit or renewal thereof shall in all events expire six months from the date issued. No more than three consecutive permits shall be issued to any one person. Persons receiving such permits need not have passed the required examination but shall meet the other requirements of this 1970 act, except section 7(2) of this 1970 act. After hearing before the board and upon order of the board the director may revoke or suspend any such permit for the reasons provided in this 1970 act for suspension or revocation of administrator licenses.

V- (9) To advise and direct the relevant state agencies regarding receipt and administration of such federal funds as are made available to carry out the educational purposes of this 1970 act.

(10) To advise the director regarding the application forms used by the director under this 1970 act.

(11) To direct the granting of provisional licenses as provided in this 1970 act.

(12) To issue rules and regulations which are necessary to carry out the functions of the board specifically assigned to it by this 1970 act.

NEW SECTION. Sec. 11. (1) Every holder of a nursing home administrator's license shall reregister it annually with the director on dates specified by the director by making application for reregistration on forms provided by the director. Such reregistration shall be granted automatically upon receipt of a one hundred dollar fee. In the event that any license is not reregistered within thirty days after the date for reregistration specified by the director, the director shall, in accordance with rules prescribed by the board, give notice to the license holder, and may thereafter in accordance with rules prescribed by the board charge up to double the normal reregistration fee. In the event that the license of an individual is not reregistered within three years from the most recent date for reregistration it shall lapse and such individual must again apply for licensing and meet all requirements of this 1970 act for a new applicant. The board may prescribe rules for maintenance of a license at

a reduced fee for temporary or permanent withdrawal or retirement from the active practice of nursing home administration.

(2) A condition of reregistration shall be the presentation of proof by the applicant that he has attended the number of classroom hours of approved educational programs, classes, seminars or proceedings set by the board. The board shall have the power to approve programs, classes, seminars or proceedings offered in this state or elsewhere by any accredited institution of higher learning or any national or local group or society if such programs, classes, seminars or proceedings are reasonably related to the administration of nursing homes. The board shall establish rules and regulations providing that the applicant for reregistration may present such proofs yearly, or may obtain the cumulative number of required hours over a three year period and present such proofs over periods of three years. In no event shall the number of classroom hours required for any time period exceed the number of such board approved classroom hours reasonably available over such time period on an adult or continuing education basis to nonmatriculating participants in this state.

(3) An individual may obtain and reregister a license under this 1970 act although he does not actively engage in nursing home administration.

NEW SECTION. Sec. 12. The director, after notice and hearing before the board and upon the order of the board shall refuse to reregister or shall suspend or revoke an administrator's license as provided in this 1970 act:

(1) In the event the licensee or applicant has committed any fraud or material misrepresentation or concealment in obtaining or applying for the license.

(2) In the event the licensee or applicant has been convicted of a crime involving moral turpitude.

(3) If the license was obtained due to the mistake or inadvertence of the board or director.

(4) In the event the licensee has wilfully or repeatedly violated any of the provisions of this 1970 act or of the rules promulgated by the board in accordance with this 1970 act.

(5) In the event the licensee has been declared mentally incompetent by a court of competent jurisdiction.

Persons whose licenses have been revoked, or to whom re-registration has been refused, may, on subsequent application be licensed, relicensed, or reregistered, according to such rules or regulations as may be prescribed by the board and according to standards prescribed by the board. Suspended licenses are automatically in force at the expiration of thirty days from the date of suspension, but must be reregistered in the normal course if they expire during the period of suspension.

NEW SECTION. Sec. 13. Upon receipt of a fifty dollar application fee and an annual license fee, the director may issue home administrator's license, without examination, to any person who hold a current license as a nursing home administrator from another jurisdiction: PROVIDED, That the board finds that the standards for licensing in such other jurisdiction are at least the substantial equivalent of those prevailing in this state, and that the applicant is otherwise qualified. In the event that there is developed a nationally recognized standard for the licensing of nursing home administrators which is in fact utilized in licensing procedures on a reasonably uniform basis the board may by rule or regulation provide for granting reciprocal licensing on a showing of compliance with such standard.

NEW SECTION. Sec. 14. It shall be unlawful and constitute a gross misdemeanor for any person to act or serve in the capacity of a nursing home administrator unless he is the holder of a nursing home administrator's license issued in accordance with the provisions of this 1970 act: PROVIDED HOWEVER, That persons carrying out functions and duties delegated by a licensed administrator shall not be construed to be committing any unlawful act under this 1970 act.

NEW SECTION. Sec. 15. All proceedings under this 1970 act of the director and board for rule making, for the hearings required by this 1970 act, for contested cases and for appeals shall be conducted in conformity with the administrative procedure act. All hearings specified under this 1970 act are mandatory. Complaints regarding any licensed administrator shall be considered only if submitted to the board in writing and verified under oath and if they indicate a possible violation of the provisions of this 1970 act. In any such case, the complaint will be fully disclosed to the affected administrator and will be investigated to determine whether any board action should be initiated by a licensed administrator who is not a member of the board, and who is appointed by the board, and the report of such investigation shall be fully disclosed immediately to the licensed administrator in question. Hearings may be conducted by the board, by a committee of the board the majority of which shall be administrator members, a hearing officer engaged by the board who shall be a licensed administrator, or by a hearing examiner of the state.

NEW SECTION. Sec. 16. Information received by the director or board through investigations, complaints, studies or other proceedings or procedures authorized under this 1970 act shall not be disclosed to any public or private person or agency in any manner identifying individuals or nursing homes, except that licensees under this 1970 act may have access to any records relating to them, and there may be such public disclosure as is necessary during the course of a proceeding directly involving the licensing of a specific individual under this 1970 act. At the close of such hearing, except as may be necessary for carrying out appeal procedures, the files of the board, director and department shall remain confidential.

NEW SECTION. Sec. 17. On or before March 15, 1970 the governor shall establish the first board which shall immediately meet for organizational purposes and shall thereafter meet as often as may be necessary to carry out the duties of the board under this 1970

act. The first examinations shall be administered and regular and provisional licenses shall be issued under this 1970 act prior to July 1, 1970. Thereafter examinations shall be administered at intervals not less than semiannually and at such times and places as may be determined by the board. There shall not be a limit upon the number of times a candidate may take the required examination.

NEW SECTION. Sec. 18. There is hereby appropriated to the department of motor vehicles from the general fund of the state of Washington the amount of forty thousand dollars for the remainder of the current 1969-1971 biennium to be utilized to the extent required for the initial administration of this 1970 act.

NEW SECTION. Sec. 19. All fees or revenue collected in accordance with the provisions of this act shall be deposited in the state general fund.

NEW SECTION. Sec. 20. If any provision of this 1970 act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

NEW SECTION. Sec. 21. This 1970 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 Senate February 10, 1970

Passed the House February 5, 1970

Approved by the Governor February 23, 1970, with the exception of items in section 2, section 10 and section 15, and all of section 16, which are vetoed.

Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follows:

"...This bill enacts the nursing home administrator licensing act and is intended to establish and provide for the enforcement of standards for the licensing of nursing home administrators. While the objectives of this bill are desirable, there are certain items in the bill which I have determined should be vetoed.

Section 2(3) defines "nursing home" broadly to include any facility providing care and treatment for persons requiring primarily convalescent or long-term nursing care and to which persons may be admitted for an overnight stay or longer; and it is further defined to include any facility licensed under state law as a nursing home. At the present time the statutory definition for nursing homes excludes facilities providing care for less than three patients and also excludes hospitals. I have concluded that the definition of nursing home as used in this bill for purposes of licensing nursing home administrators should conform with the definition now found in state law for the licensing of nursing homes. I have accordingly vetoed that item in section 2(3) which broadens the definition of nursing home beyond that now found in state law.

Section 10 describes the duties and responsibilities of the state board of examiners for nursing home administrators created by the act. Subsection (9) of section 10 provides that the board will advise and direct the relevant state agencies regarding receipt and administration of such federal funds as are made available to carry out the educational purposes of the act. Because it is at this time not certain what state agencies will receive federal funds, I have concluded it is not desirable to allow the board of examiners to be able to direct other state agencies as to how such funds shall be used. Accordingly, I have vetoed that item in subsection (9) which authorizes the board to direct how such federal funds shall be used by the relevant state agencies.

Section 15 of the bill describes the procedures whereby complaints regarding any nursing home administrators shall be considered by the board. That section provides that such complaints will be investigated by a licensed administrator who is not a member of the board but who shall be appointed by the board. This is a restriction which may not in every case be desirable. It may, for example, be preferable to use an experienced state investigator who can be provided by the professional licensing division of the Department of Motor Vehicles. Accordingly, I have vetoed that item in section 15 which limits such investigations to licensed administrators appointed by the board in order to allow greater flexibility in this area.

Section 16 provides that information received as a result of investigations and proceedings authorized by the act shall not be disclosed to any public or private person or agency in any manner identifying individuals or nursing homes except that there may be such public disclosure as is necessary during the course of a proceeding directly involving the licensing of a specific individual under the act. The section further provides that at the close of a hear-

ing, except as may be necessary for carrying out appeal procedures, the files of the board, director and department shall remain confidential.

Section 16 will tend to foreclose the public from obtaining information which may well be in the public interest. The procedures which have been developed by the professional licensing division of the Department of Motor Vehicles would appear to provide ample protection where confidentiality is required while at the same time providing the opportunity for public disclosure when this is in the public interest. I have therefore vetoed section 16 of the bill which will allow the hearing procedures for nursing home administrators to be handled in the same manner as other comparable licensing boards within the jurisdiction of the Department of Motor Vehicles.

With the exception of the items and section 16 as described above, the remainder of the bill is approved."

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CHAPTER 58  
[Senate Bill No. 191]  
COUNTY COMMISSIONER DISTRICTS

AN ACT Relating to counties; and amending section 36.32.020, chapter 4, Laws of 1963 and RCW 36.32.020.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 36.32.020, chapter 4, Laws of 1963 and RCW 36.32.020 are each amended to read as follows:

The board of county commissioners of each county shall divide their county into three commissioner districts so that each district shall comprise as nearly as possible one-third of the population of the county: PROVIDED, That the territory comprised in any voting precincts of such districts shall remain compact, and shall not be divided by the lines of said districts: PROVIDED FURTHER, That the foregoing requirement of equal population among commissioner districts may be disregarded, at the discretion of the county commissioners, in the following instances:

(1) The commissioners of any county composed entirely of islands may divide their county into three commissioner districts without regard to population, except that if any single island is included in more than one district, the districts on such island shall