

House Bill 686

In The House

February 9, 1981	Introduced and referred to Committee on Human Services.
February 19, 1981	Committee recommend bill do pass as amended.
February 20, 1981	Bill printed and placed on members' desks.
February 23, 1981	Second reading do pass as amended.
February 24, 1981	Correctly engrossed.
February 25, 1981	Third reading passed.

In The Senate

March 3, 1981	Introduced and referred to Committee on Public Health Welfare and Safety.
March 25, 1981	Committee recommend bill not concurred.

In The House

March 26, 1981	Returned from Senate not concurred.
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1 HOUSE BILL NO. 686
2 INTRODUCED BY Alfred William Eller
3 BY REQUEST OF Amelia

THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING DEFINITIONS IN
7 TITLE 50, CHAPTER 51, PART 1, TO ALLOW FOR LICENSURE OF
8 RESIDENTIAL CARE FACILITIES; AMENDING SECTION 50-51-102,
9 RCRA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 50-51-102, MCA, is amended to read:
13 "50-51-102. Definitions. Unless the context requires
14 otherwise, in this chapter the following definitions apply:

15 (1) "Board" means board of health and environmental
16 sciences.

(2) "Department" means the department of health and environmental sciences.

(2) "Hotel" or "motel" includes a building or structure kept, used, maintained as, advertised as, or held out to the public to be a hotel, motel, inn, motor court, tourist court, public lodging house, or place where sleeping accommodations are furnished for a fee to transient guests, with or without meals.

(4) "Person" includes an individual, partnership,

1 corporation, association, county, municipality, cooperative
2 group, or other entity engaged in the business of operating,
3 owning, or offering the services of a hotel, motel, tourist
4 home, retirement home, or roominghouse.

5 (5) "Roominghouse"---or---"retirement--home"---means
6 buildings--in--which--separate--sleeping--rooms--are--rented
7 providing--sleeping--accommodations--for--three--or--more--persons
8 on--a--weekly--semimonthly--monthly--or--permanent--basis
9 whether--or--not--meals--or--central--kitchens--are--provided--but
10 without--separated--cooking--facilities--or--kitchens--within--each
11 room--and--whose--occupants--do--not--need--professional--nursing
12 services--on--a--full--time--basis. "Residential care" means the
13 provision of room and board and light personal care as
14 defined in 53-5-302.

15 161. "Roominghouse" or "retirement home" means a
16 building or portion thereof kept used maintained
17 advertised or held out to the public as a roominghouse or
18 retirement home or a place in which at least three sleeping
19 rooms are rented to provide sleeping accommodations.

20 171. "Sleeping accommodations" means sleeping quarters;
21 the provision of linen service, and housekeeping services;
22 except that the term does not include linen and housekeeping
23 services if such services are provided by residents under
24 the supervision of the operator in association with a
25 residential care program.

INTRODUCED BILL
-2- HB 686

1 ~~67121~~ "Tourist home" means an establishment or
2 premises where sleeping accommodations are furnished to
3 transient guests for hire or rent on a daily or weekly
4 rental basis in a private home when the accommodations are
5 offered for hire or rent for the use of the traveling
6 public.

7 ~~67121~~ "Transient guest" means a guest for only a
8 brief stay, such as the traveling public."

9 Section 2. Saving clause. This act does not affect
10 rights and duties that matured, penalties that were
11 incurred, or proceedings that were begun before the
12 effective date of this act.

13 Section 3. Effective date. This act is effective on
14 passage and approval.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 686

3 House Human Services Committee

4

5 A statement of intent is required for House Bill 686
6 because it authorizes the Department of Social and
7 Rehabilitation Services to adopt rules setting forth
8 standards governing residential care facilities so that they
9 may be licensed and their residents continue to be eligible
10 to receive supplemental social security income benefits. It
11 is the intent of this legislation that residential care
12 facilities have standards set for them to insure the safety
13 and health of their residents.

Approved by Comm. On Human Services

6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING-DEFINITIONS-IN
7 FIFTEEN-50-,CHAPTER-54-,PART-1-, TO ALLOW FOR LICENSURE OF
8 RESIDENTIAL CARE FACILITIES; AMENDING--SECTION-50-51-102-,
9 MEAT AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section-50-51-102--MEA--is-amended-to-read--
13 "50-51-102--Definitions--Unless-the-context--requires--
14 otherwise--in-this-chapter-the-following-definitions-apply--
15 {1}--"Board"--means-board-of--health--and--environmental--
16 sciences--

19 f3}--"Hotel"--or--"motel"--includes--a--building--or
20 structure--kept--used--maintained-as--advertised-as--or--held
21 out--to--the--public--to--be--a--hotel--motel--inn--motor--court
22 tourist--court--public--lodging--house--or--place--where--sleeping
23 accommodations--are--furnished--for--a--fee--to--transient--guests
24 with--or--without--meals.

1 corporation--association--county--municipality--cooperative
2 groups--or--other--entity--engaged--in--the--business--of--operating,
3 owning--or--offering--the--services--of--a--hotel--motel--tourist
4 homes--retirement--homes--or--roominghouse.
5 {5}--"Roominghouse"--or--"retirement--home"--means
6 buildings--in--which--separate--sleeping--rooms--are--rented
7 providing--sleeping--accommodations--for--three--or--more--persons
8 on--a--weekly--semimonthly--monthly--or--permanent--basis
9 whether--or--not--meals--or--central--kitchens--are--provided--but
10 without--separated--cooking--facilities--or--kitchens--within--each
11 roomy--and--whose--occupants--do--not--need--professional--nursing
12 services--on--a--full--time--basis "Residential-care"--means--the
13 provision--of--room--and--board--and--light--personal--care--as
14 defined--in--53-5-302.
15 {6}--"Roominghouse"--or--"retirement--home"--means--a
16 building--or--portion--thereof--kept--used--maintained--
17 advertised--or--held--out--to--the--public--as--a--roominghouse--or
18 retirement--home--or--a--place--in--which--at--least--three--sleeping
19 rooms--are--rented--to--provide--sleeping--accommodations.
20 {7}--"Sleeping--accommodations"--means--sleeping--quarters,
21 the--provision--of--linen--services--and--housekeeping--services,
22 except--that--the--term--does--not--include--linen--and--housekeeping
23 services--if--such--services--are--provided--by--residents--under
24 the--supervision--of--the--operator--in--association--with--a
25 residential--care--program.

1 ~~67f81~~ -- "Tourist--home" -- means -- an -- establishment -- or
 2 premises -- where -- sleeping -- accommodations -- are -- furnished -- to
 3 transient -- guests -- for -- hire -- or -- rent -- on -- a -- daily -- or -- weekly
 4 rental -- basis -- in -- a -- private -- home -- when -- the -- accommodations -- are
 5 offered -- for -- hire -- or -- rent -- for -- the -- use -- of -- the -- travelling
 6 publics.

7 ~~77f91~~ -- "Transient--guest" -- means -- a -- guest -- for -- only -- a
 8 brief -- stay -- such -- as -- the -- travelling -- publics.

9 SECTION 1. PURPOSE. IN ORDER TO COMPLY WITH THE KEYS
 10 AMENDMENTS TO THE FEDERAL SOCIAL SECURITY ACT FOUND IN
 11 SECTION 505(D) OF PUBLIC LAW 94-566, AS IMPLEMENTED BY TITLE
 12 45, PART 1397, CODE OF FEDERAL REGULATIONS, IT IS THE INTENT
 13 OF THIS [ACT]: TO ENCOURAGE THE DEVELOPMENT OF SAFE AND
 14 APPROPRIATE RESIDENTIAL CARE FACILITIES AS AN ALTERNATIVE TO
 15 INSTITUTIONAL LIVING FOR APPROPRIATE ELDERLY INDIVIDUALS AND
 16 HANDICAPPED CHILDREN AND ADULTS; TO LIMIT THE USE OF
 17 SUPPLEMENTAL SOCIAL SECURITY INCOME FUNDS FOR SUBSTANDARD
 18 FACILITIES FOR SUCH PERSONS; AND TO PROMULGATE STANDARDS AND
 19 ENFORCEMENT PROCEDURES FOR SUCH RESIDENTIAL CARE FACILITIES.

20 Section-2--Saving--clause---this--act--does--not--affect
 21 rights--and--duties--that--matured--penalties--that--were
 22 incurred--or--proceedings--that--were--began--before--the
 23 effective--date--of--this--act.

24 SECTION 2. DEFINITIONS. AS USED IN THIS [ACT], THE
 25 FOLLOWING DEFINITIONS APPLY:

1 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF SOCIAL AND
 2 REHABILITATION SERVICES PROVIDED FOR IN TITLE 2, CHAPTER 15.
 3 PART 22.
 4 (2) "PROTECTIVE OVERSIGHT" MEANS 24-HOUR
 5 RESPONSIBILITY FOR THE WELFARE OF A RESIDENT OF A FACILITY
 6 THAT MAY INCLUDE DAILY AWARENESS OF A RESIDENT'S
 7 FUNCTIONING, HIS WHEREABOUTS, THE ABILITY TO INTERVENE IF A
 8 CRISIS ARISES FOR A RESIDENT, AND SUPERVISION IN AREAS LIKE
 9 NUTRITION AND MEDICATION.

10 (3) "RESIDENTIAL CARE FACILITY" MEANS A FACILITY
 11 PROVIDING ROOM AND BOARD AND PROTECTIVE OVERSIGHT, TO THE
 12 DEGREE NEEDED, TO RECIPIENTS OF SUPPLEMENTAL SOCIAL SECURITY
 13 INCOME BENEFITS.

14 SECTION 3. STANDARDS FOR RESIDENTIAL CARE FACILITIES.
 15 (1) THE DEPARTMENT MAY ADOPT RULES ESTABLISHING STANDARDS BY
 16 WHICH RESIDENTIAL CARE FACILITIES MAY BE LICENSED. THESE
 17 STANDARDS MAY INCLUDE BUT ARE NOT LIMITED TO THOSE FOR:
 18 (A) ADMISSION POLICIES;
 19 (B) SAFETY;
 20 (C) SANITATION;
 21 (D) PROTECTION OF CIVIL RIGHTS;
 22 (E) PROVISION OF FACILITIES FOR THE HANDICAPPED
 23 INCLUDING WIDE HALLWAYS AND GRABRAILS;
 24 (F) INSPECTIONS;
 25 (G) LICENSE APPLICATIONS;

1 1H1. WARNINGS PRIOR TO LICENSE DENIAL OR REVOCATION;

2 AND

3 1I1. WAIVER OF STANDARDS.

4 (2) THOSE STANDARDS RELATING TO SANITATION AND FIRE
5 AND LIFE SAFETY SHALL BE ADOPTED AFTER CONSULTATION WITH THE
6 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND THE
7 STATE FIRE MARSHAL.

8 SECTION 4. COMPLIANCE WITH HEALTH CARE FACILITY
9 LICENSING LAWS. NOTHING IN THIS [ACT] SHALL BE CONSTRUED TO
10 RELIEVE A PERSON OPERATING A RESIDENTIAL CARE FACILITY FROM
11 THE RESPONSIBILITY OF COMPLYING WITH THE APPLICABLE
12 LICENSING LAWS GOVERNING HEALTH CARE FACILITIES INCLUDING
13 SKILLED AND INTERMEDIATE LONG-TERM CARE FACILITIES AND
14 PERSONAL CARE FACILITIES PROVIDED FOR IN TITLE 50, CHAPTER

15 5, PART 2.

16 Section 5. Effective date. This act is effective on
17 passage and approval.

-End-

STATEMENT OF INTENT

HOUSE BILL 686

House Human Services Committee

1 STATEMENT OF INTENT
2
3 HOUSE BILL 686
4
5 House Human Services Committee
6
7 A statement of intent is required for House Bill 686
8 because it authorizes the Department of Social and
9 Rehabilitation Services to adopt rules setting forth
10 standards governing residential care facilities so that they
11 may be licensed and their residents continue to be eligible
12 to receive supplemental social security income benefits. It
13 is the intent of this legislation that residential care
facilities have standards set for them to insure the safety
and health of their residents.

HOUSE BILL NO. 686

INTRODUCED BY MCCLANE, WILLIAMS, ELLERD, DONALDSON

BY REQUEST OF

THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING-DEFINITIONS-IN
TITLE-50,-CHAPTER-51,-PART-1,- TO ALLOW FOR LICENSURE OF
RESIDENTIAL CARE FACILITIES; AMENDING--SECTION-50-51-102,-
HEAT AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section-1--Section-50-51-102--M6Av-is-amended-to-read--
"50-51-102--Definitions--Unless-the-context--requires
otherwise--in-this-chapter-the-following-definitions-apply--
{1}--"Board"--means-board-of--health--and--environmental
science--

1 corporations--associations--counties--municipalities--cooperative
2 groups--or--other--entity--engaged--in--the--business--of--operating,
3 owning--or--offering--the--services--of--a--hotel--motel--tourist
4 homey--retirement--homey--or--roominghouses

5 {5}--"Roominghouse"---or---"retirement---home"---means
6 buildings--in--which--separate--sleeping--rooms--are--rented
7 providing--sleeping-accommodations-for-three-or-more-persons
8 on-a--weekly--semimonthly--monthly--or--permanent--basis,
9 whether--or--not--meals-or-central-kitchens-are-provided-but
10 without-separated-cooking-facilities-or-kitchens-within-each
11 room--and--whose--occupants--do--not--need--professional--nursing
12 services--on--a--full--time--basis "Residential-care"--means--the
13 provision-of-room-and-board--and--light--personal--care--as
14 defined-in-53-5-302.

15 t67--"Roominghouse"--or--"retirement--home"--means--a
16 building--or--portion--thereof--kept--used--maintained--
17 advertised--or--held--out--to--the--public--as--a--roominghouse--or
18 retirement--home--or--a--place--in--which--at--least--three--staying
19 people--are--accustomed--to--provide--or--have--or--make--accommodations--

20 ~~t7j--"Sleeping-accommodations"--means--sleeping-quarters;~~
21 ~~the--provision--of--linen--services--and--housekeeping--services;~~
22 ~~except--that--the--term--does--not--include--linen--and--housekeeping~~
23 ~~services--if--such--services--are--provided--by--residents--under~~
24 ~~the--supervision--of--the--operator--in--association--with--a~~
25 ~~residential-care--program.~~

1 f67f81--"Tourist--home"--means--an--establishment---or
 2 premises--where--providing--accommodations--are--furnished-to
 3 transient-guests-for-hire-or--rent--on--a--daily--or--weekly
 4 rental--basis--in-a-private-home-when-the-accommodations-are
 5 offered-for-hire-or--rent--for--the--use--of--the--travelling
 6 publics.

7 f77f91--"Transient--guest"--means--a--guest--for-only-a
 8 brief-stay--such-as-the-travelling-publics."

9 SECTION 1. PURPOSE. IN ORDER TO COMPLY WITH THE KEYS
 10 AMENDMENTS TO THE FEDERAL SOCIAL SECURITY ACT FOUND IN
 11 SECTION 505(D) OF PUBLIC LAW 94-566, AS IMPLEMENTED BY TITLE
 12 45, PART 1397, CODE OF FEDERAL REGULATIONS, IT IS THE INTENT
 13 OF THIS [ACT]: TO ENCOURAGE THE DEVELOPMENT OF SAFE AND
 14 APPROPRIATE RESIDENTIAL CARE FACILITIES AS AN ALTERNATIVE TO
 15 INSTITUTIONAL LIVING FOR APPROPRIATE ELDERLY INDIVIDUALS AND
 16 HANDICAPPED CHILDREN AND ADULTS; TO LIMIT THE USE OF
 17 SUPPLEMENTAL SOCIAL SECURITY INCOME FUNDS FOR SUBSTANDARD
 18 FACILITIES FOR SUCH PERSONS; AND TO PROMULGATE STANDARDS AND
 19 ENFORCEMENT PROCEDURES FOR SUCH RESIDENTIAL CARE FACILITIES.

20 Section-2--Saving--etcause---This--act--does--not--affect
 21 rights--and--duties--that--matured--penalties---that---were
 22 incurred---or---proceedings---that--were--begun--before--the
 23 effective-date-of-this-act.

24 SECTION 2. DEFINITIONS. AS USED IN THIS [ACT], THE
 25 FOLLOWING DEFINITIONS APPLY:

1 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF SOCIAL AND
 2 REHABILITATION SERVICES PROVIDED FOR IN TITLE 2, CHAPTER 15,
 3 PART 22.
 4 (2) "PROTECTIVE OVERSIGHT" MEANS 24-HOUR
 5 RESPONSIBILITY FOR THE WELFARE OF A RESIDENT OF A FACILITY
 6 THAT MAY INCLUDE DAILY AWARENESS OF A RESIDENT'S
 7 FUNCTIONING, HIS WHEREABOUTS, THE ABILITY TO INTERVENE IF A
 8 CRISIS ARISES FOR A RESIDENT, AND SUPERVISION IN AREAS LIKE
 9 NUTRITION AND MEDICATION.
 10 (3) "RESIDENTIAL CARE FACILITY" MEANS A FACILITY
 11 PROVIDING ROOM AND BOARD AND PROTECTIVE OVERSIGHT, TO THE
 12 DEGREE NEEDED, TO RECIPIENTS OF SUPPLEMENTAL SOCIAL SECURITY
 13 INCOME BENEFITS.
 14 SECTION 3. STANDARDS FOR RESIDENTIAL CARE FACILITIES.
 15 (1) THE DEPARTMENT MAY ADOPT RULES ESTABLISHING STANDARDS BY
 16 WHICH RESIDENTIAL CARE FACILITIES MAY BE LICENSED. THESE
 17 STANDARDS MAY INCLUDE BUT ARE NOT LIMITED TO THOSE FOR:
 18 (A) ADMISSION POLICIES;
 19 (B) SAFETY;
 20 (C) SANITATION;
 21 (D) PROTECTION OF CIVIL RIGHTS;
 22 (E) PROVISION OF FACILITIES FOR THE HANDICAPPED
 23 INCLUDING WIDE HALLWAYS AND GRABRAILS;
 24 (F) INSPECTIONS;
 25 (G) LICENSE APPLICATIONS;

1 I(H) WARNINGS PRIOR TO LICENSE DENIAL OR REVOCATION;

2 AND

3 II) WAIVER OF STANDARDS.

4 I2) THOSE STANDARDS RELATING TO SANITATION AND FIRE
5 AND LIFE SAFETY SHALL BE ADOPTED AFTER CONSULTATION WITH THE
6 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND THE
7 STATE FIRE MARSHAL.

8 SECTION 4. COMPLIANCE WITH HEALTH CARE FACILITY
9 LICENSING LAWS. NOTHING IN THIS FACT) SHALL BE CONSTRUED TO
10 RELIEVE A PERSON OPERATING A RESIDENTIAL CARE FACILITY FROM
11 THE RESPONSIBILITY OF COMPLYING WITH THE APPLICABLE
12 LICENSING LAWS GOVERNING HEALTH CARE FACILITIES INCLUDING
13 SKILLED AND INTERMEDIATE LONG-TERM CARE FACILITIES AND
14 PERSONAL CARE FACILITIES PROVIDED FOR IN TITLE 50, CHAPTER
15 5, PART 2.

16 Section 5. Effective date. This act is effective on
17 passage and approval.

-End-

1 **STATEMENT OF INTENT**

2 **HOUSE BILL 686**

3 **House Human Services Committee**

4

5 A statement of intent is required for House Bill 686
6 because it authorizes the Department of Social and
7 Rehabilitation Services to adopt rules setting forth
8 standards governing residential care facilities so that they
9 may be licensed and their residents continue to be eligible
10 to receive supplemental social security income benefits. It
11 is the intent of this legislation that residential care
12 facilities have standards set for them to insure the safety
13 and health of their residents.

HOUSE BILL NO. 686
INTRODUCED BY MCLANE, WILLIAMS, ELLERD, DONALDSON
BY REQUEST OF
THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING-DEFINITIONS-IN
TITLE-50,-CHAPTER-51,-PART-2,- TO ALLOW FOR LICENSURE OF
RESIDENTIAL CARE FACILITIES; AMENDING--SECTION-50-51-202,-
MEAT AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section-1---Section-50-51-102---MCA---is-amended-to-reads
"50-51-102---Definitions---Unless-the-context---requires
otherwise---in-this-chapter-the-following-definitions-apply:
11---"Board"--means-board-of--health--and--environmental
interests--.

f27--"Department"--means--the--department-of-health-and-environmental-sciences--

f37--"Hotel"--or--"motel"--includes--a--building--or
structure--kept--used--maintained--as--advertised--as--or--held
out--to--the--public--to--be--a--hotel--motel--inn--motor--court--
tourist--court--public--lodging--house--or--place--where--sleeping
accommodations--are--furnished--for--a--fee--to--transient--guests--
with--or--without--meals--

~~“Person” includes an individual, partnership,~~

1 corporation--association, county, municipality, cooperative
2 group, or other entity engaged in the business of operating,
3 owning, or offering the services of a hotel, motel, tourist
4 home, retirement home, or roominghouse.

5 (5) -- "Roominghouse" -- or -- "retirement home" -- means
6 buildings in which separate sleeping rooms are rented
7 providing sleeping accommodations for three or more persons
8 on a weekly, semi-monthly, monthly, or permanent basis,
9 whether or not meals or central kitchens are provided but
10 without separated cooking facilities or kitchens within each
11 roomy and whose occupants do not need professional nursing
12 services -- on a full-time basis. "Residential care" means the
13 provision of room and board and tight personnel care as
14 defined in 53-5-302.

15 (6) -- "Roominghouse" -- or -- "retirement home" -- means a
16 building or portion thereof kept, used, maintained,
17 advertised, or held out to the public as a roominghouse or
18 retirement home or a place in which at least three sleeping
19 rooms are rented to provide sleeping accommodations.

20 (7) -- "Sleeping accommodations" means sleeping quarters,
21 the provision of linen service and housekeeping services,
22 except that the term does not include linen and housekeeping
23 services if such services are provided by residents under
24 the supervision of the operator in association with a
25 residential care program.

1 ~~67-87~~--"Tourist--home"--means--an--establishment--or
 2 premises--where--sleeping--accommodations--are--furnished-to
 3 transient-guests-for-hire-or--rent--on--a--daily--or--weekly
 4 rental--basis--in-a-private-home-when-the-accommodations-are
 5 offered-for-hire-or--rent--for--the--use--of--the--traveling
 6 public.

7 ~~77-97~~--"Transient--guest"--means--a--guest--for-only-a
 8 brief-stay--such-as-the-traveling-public."

9 SECTION 1. PURPOSE. IN ORDER TO COMPLY WITH THE KEYS
 10 AMENDMENTS TO THE FEDERAL SOCIAL SECURITY ACT FOUND IN
 11 SECTION 505(D) OF PUBLIC LAW 94-566, AS IMPLEMENTED BY TITLE
 12 45, PART 1397, CODE OF FEDERAL REGULATIONS, IT IS THE INTENT
 13 OF THIS [ACT]: TO ENCOURAGE THE DEVELOPMENT OF SAFE AND
 14 APPROPRIATE RESIDENTIAL CARE FACILITIES AS AN ALTERNATIVE TO
 15 INSTITUTIONAL LIVING FOR APPROPRIATE ELDERLY INDIVIDUALS AND
 16 HANDICAPPED CHILDREN AND ADULTS; TO LIMIT THE USE OF
 17 SUPPLEMENTAL SOCIAL SECURITY INCOME FUNDS FOR SUBSTANDARD
 18 FACILITIES FOR SUCH PERSONS; AND TO PROMULGATE STANDARDS AND
 19 ENFORCEMENT PROCEDURES FOR SUCH RESIDENTIAL CARE FACILITIES.

20 Section-2--Saying--ctause--this--act--does--not--affect
 21 rights--and--duties--that--matured--penalties--that--were
 22 incurred--or--proceedings--that--were--begun--before--the
 23 effective-date-of-this-act.

24 SECTION 2. DEFINITIONS. AS USED IN THIS [ACT], THE
 25 FOLLOWING DEFINITIONS APPLY:

1 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF SOCIAL AND
 2 REHABILITATION SERVICES PROVIDED FOR IN TITLE 2, CHAPTER 15,
 3 PART 22.

4 (2) "PROTECTIVE OVERSIGHT" MEANS 24-HOUR
 5 RESPONSIBILITY FOR THE WELFARE OF A RESIDENT OF A FACILITY
 6 THAT MAY INCLUDE DAILY AWARENESS OF A RESIDENT'S
 7 FUNCTIONING, HIS WHEREABOUTS, THE ABILITY TO INTERVENE IF A
 8 CRISIS ARISES FOR A RESIDENT, AND SUPERVISION IN AREAS LIKE
 9 NUTRITION AND MEDICATION.

10 (3) "RESIDENTIAL CARE FACILITY" MEANS A FACILITY
 11 PROVIDING ROOM AND BOARD AND PROTECTIVE OVERSIGHT, TO THE
 12 DEGREE NEEDED, TO RECIPIENTS OF SUPPLEMENTAL SOCIAL SECURITY
 13 INCOME BENEFITS, AND IN WHICH NO MORE THAN 15 PERSONS SHALL
 14 RESIDE.

15 SECTION 3. STANDARDS FOR RESIDENTIAL CARE FACILITIES.
 16 (1) THE DEPARTMENT MAY ADOPT RULES ESTABLISHING STANDARDS BY
 17 WHICH RESIDENTIAL CARE FACILITIES MAY BE LICENSED. THESE
 18 STANDARDS MAY INCLUDE BUT ARE NOT LIMITED TO THOSE FOR:

19 (A) ADMISSION POLICIES;
 20 (B) SAFETY;
 21 (C) SANITATION;
 22 (D) PROTECTION OF CIVIL RIGHTS;
 23 (E) PROVISION OF FACILITIES FOR THE HANDICAPPED
 24 INCLUDING WIDE HALLWAYS AND GRABRAILS;
 25 (F) INSPECTIONS;

1 (G) LICENSE APPLICATIONS;

2 (H) WARNINGS PRIOR TO LICENSE DENIAL OR REVOCATION;

3 AND

4 (I) WAIVER OF STANDARDS.

5 (2) THOSE STANDARDS RELATING TO SANITATION AND FIRE
6 AND LIFE SAFETY SHALL BE ADOPTED AFTER CONSULTATION WITH THE
7 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND THE
8 STATE FIRE MARSHAL.

9 SECTION 4. COMPLIANCE WITH HEALTH CARE FACILITY
10 LICENSING LAWS. NOTHING IN THIS [ACT] SHALL BE CONSTRUED TO
11 RELIEVE A PERSON OPERATING A RESIDENTIAL CARE FACILITY FROM
12 THE RESPONSIBILITY OF COMPLYING WITH THE APPLICABLE
13 LICENSING LAWS GOVERNING HEALTH CARE FACILITIES INCLUDING
14 SKILLED AND INTERMEDIATE LONG-TERM CARE FACILITIES AND
15 PERSONAL CARE FACILITIES PROVIDED FOR IN TITLE 50, CHAPTER

16 5, PART 2.

17 Section 5. Effective date. This act is effective on
18 passage and approval.

-End-