Chapter 388-97 WAC

Nursing homes

Last Update: 10/12/10

WAC Sections

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DISPOSITIONS OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-97-005 Definitions. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-005, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-005, filed 2/24/00,

effective 3/26/00; 94-19-041 (Order 3782), § 388-97-005, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-010 License -- Application. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-010, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-012 Nursing facility care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-012, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-015 License -- Qualification. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-015, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-017 Discrimination prohibited. [Statutory Authority: RCW 18.51.070, 74.42.620, and 2004 c 34. 04-20-055, § 388-97-017, filed 10/1/04, effective 11/1/04. Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-017, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-020 Nursing home fees. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-020, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-022 Medical eligibility for nursing facility care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-022, filed 2/24/00, effective 3/26/00.] Repealed by 00-22-018, filed 10/20/00, effective 10/31/00. Statutory Authority: RCW 74.39A.040, 74.42.056.

388-97-025 License capacity. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-025, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-027 Nursing facility admission and payment requirements. [Statutory Authority: RCW 74.39A.040, 74.42.056. 00-22-018, § 388-97-027, filed 10/20/00, effective 10/31/00. Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-027, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-030 Change of ownership. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-030, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-032 Discharge planning. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-032, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-035 Change in administrator or director of nursing services. [Statutory Authority: RCW

18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-035, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-037 Utilization review. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-037, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-040 Name of nursing home. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-040, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-042 Individual transfer and discharge rights and procedures. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-042, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-043 Transfer and discharge appeals for residents in medicare or medicaid certified facilities. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-043, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-043, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-045 License relinquishment upon closure. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-045, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-047 Discharge or leave of a nursing facility resident. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-047, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-050 License denial, modification, nonrenewal, revocation. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-050, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-051 Resident rights. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-051, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-052 Free choice. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-052, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-053 Statutes implemented in resident decision making, informed consent and advance directives. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-053, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-055 Resident decision making. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-055, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-055, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-060 Informed consent. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-060, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-060, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-065 Advance directives. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-065, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-065, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-070 Resident rights. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-070, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-07005 Notice of rights and services. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-07005, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-07005, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07010 Notification of changes. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07015 Protection of resident funds. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07015, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07020 Privacy and confidentiality. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07025 Work. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07025, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07030 Self-administration of drugs. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07035 Grievance rights. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07035, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed

9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07040 Examination of survey results. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-07040, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-07040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07045 Resident mail. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07045, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07050 Access and visitation rights. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-07050, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-07050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07055 Telephone. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07055, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07060 Personal property. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07060, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07065 Roommates/rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07065, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07070 Refusal of certain transfers. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07070, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-075 Chemical and physical restraints. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-075, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-075, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-076 Prevention of abuse. [Statutory Authority: RCW 74.34.165, 74.34.020, 74.34.035, 2003 c 230. 03-23-021, § 388-97-076, filed 11/10/03, effective 12/11/03. Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-076, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-076, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-077 Resident protection program. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-077, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-080 Quality of life. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-080, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-08010 Resident dignity and accommodation of needs. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-08020 Environment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-08030 Self-determination and participation. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-08040 Participation in resident and family groups. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-08050 Activities. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-08060 Social services. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08060, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-08070 Pets. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08070, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-085 Resident assessment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-085, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-085, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-090 Comprehensive plan of care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-090, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-090, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-095 Dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-095, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-097 Dementia care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-097, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-100 Discharge planning. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-100, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-105 Relocation due to decertification, license revocation closure, evacuation. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-105, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-110 Quality of care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-110, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-110, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-115 Nursing services. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-115, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-115, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-120 Dietary services. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-120, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-120, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-12010 Meal provision. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-12020 Individual dietary needs. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-12030 Dietary personnel. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-12040 Dietary menus. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-12050 Diet orders. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-12060 Modified diets. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12060, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed

9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-12070 Tube feedings. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12070, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-125 Physician services. [Statutory Authority: RCW 18.51.070, 74.42.620, 74.42.200 and 42 C.F.R. 483.40. 04-23-085, § 388-97-125, filed 11/16/04, effective 12/17/04. Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-125, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-125, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-130 Specialized habilitative and rehabilitative services. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-130, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-130, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-135 Pharmacy services. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-135, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-135, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-140 Infection control. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-140, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-140, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-1420 Tuberculosis -- Mantoux skin testing. [Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1420, filed 9/24/08, effective 11/1/08.] Repealed by 10-02-021, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW.

388-97-143 Influenza and pneumococcal immunizations. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-23-030, § 388-97-143, filed 11/12/02, effective 12/13/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-145 Early identification of persons with active tuberculosis. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-145, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-147 Surveillance, management and early identification of individuals with active tuberculosis. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-147, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-150 Surveillance and management of tuberculosis. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-150, filed 9/15/94, effective

10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-155 Care of residents with active tuberculosis. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-155, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-155, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-160 General administration. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-160, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-160, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-160, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-162 Required notification and reporting. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-162, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-162, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-165 Staff and equipment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-165, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-165, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-170 Staff development. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-170, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-170, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-175 Medical director. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-175, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-175, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-180 Clinical records. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-180, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-180, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-180, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-185 Disaster and emergency preparedness. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-185, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-185, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-190 Quality assessment and assurance. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-190, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-190, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-195 Policies and procedures. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-195, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), §

388-97-195, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-200 Criminal history disclosure and background inquiries. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-200, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-202 Criminal history disclosure and background inquiries. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-202, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-202, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-203 Disqualification from nursing home employment. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-203, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-204 Retaliation or discrimination prohibited. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-204, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-205 Laundry services. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-205, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-205, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-205, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-210 Respite services. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-210, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-212 Short-term care, including respite services and adult day or night care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-212, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-215 Adult day or night care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-215, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-220 Dialysis services. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-220, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-220, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-225 Nursing facility care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-225, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-230 Discrimination prohibited. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-230, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-235 Medical eligibility for nursing facility care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-235, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-240 Nursing facility admission. [Statutory Authority: 1995 c 18, RCW 18.51.070, 74.42.620 and 74.42.056. 95-24-019 (Order 3922), § 388-97-240, filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-240, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-245 Pre-admission screening. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-245, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-247 Preadmission screening--Level I. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-247, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-249 Advanced categorical determinations, not subject to preadmission screening--Level II. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-249, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-250 Identification screening for current residents. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-250, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-251 Preadmission screening--Level II. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-251, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-253 Resident review. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-253, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-255 Pre-admission screening and annual resident review (PASARR). [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-255, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-260 Preadmission screening and resident review (PASRR) determination and appeal rights. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-260, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-260, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-260, filed 9/15/94, effective

10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-265 Utilization review. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-265, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-270 Individual transfer and discharge rights, procedures, appeals. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-270, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-275 Resident assessment instrument. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-275, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-280 Discharge or leave of a nursing facility resident. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-280, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-285 Intermediate care facilities for the mentally retarded (ICF/MR). [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-285, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-285, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-295 Design. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-295, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-295, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-29510 New construction compliance. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29510, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-29520 Fire standards and approval, and other standards. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29520, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-29530 Maintenance and repair. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29530, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-29540 Noise. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29540, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-29550 Accessibility in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29550, filed 2/24/00, effective 3/26/00.] Repealed

by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-29560 Types of new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29560, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-300 Fire standards and approval. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-300, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-305 Other standards. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-305, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-310 ICF/MR exceptions to physical plant requirements. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-310, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-310, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-315 Emergency power. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-315, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-315, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-320 Space and equipment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-320, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-325 Location of the resident care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-325, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-325, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-32510 Required service areas on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32510, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-32520 Staff work stations on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32520, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-32530 Call systems on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32530, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-32540 Telephones on resident care units. [Statutory Authority: RCW 18.51.070 and

74.42.620. 00-06-028, § 388-97-32540, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-32550 Utility service rooms on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32550, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-32560 Drug facilities on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32560, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-32570 Linen storage on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32570, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-32580 Janitors closets on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32580, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-330 Resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-330, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-330, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33010 Capacity of resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33020 Size of resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33030 Privacy in resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33040 Resident isolation rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33050 Resident room size variance. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-335 Resident room equipment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-335, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-335, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed

9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33510 Resident bed and bedside equipment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33510, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33520 Lockable storage space in a resident room. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33520, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33530 Wardrobes in a resident room. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33530, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33540 Seating in a resident room. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33540, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33550 Lighting in resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33550, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33560 Call signal device in resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33560, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33570 Cubicle curtains in resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33570, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33580 Miscellaneous equipment in resident rooms in a new building or addition. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33580, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-340 Resident toilet facilities or rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-340, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-340, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-34010 Resident bathing facilities or rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-34010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-34020 Locks in toilet and bathing facilities. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-34020, filed 2/24/00, effective 3/26/00.] Repealed

by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-345 Dining, dayrooms, and resident activity areas. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-345, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-345, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-347 Laundry services and storage. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-347, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-350 Dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-350, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-350, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-35010 Dining areas on a dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-35020 Outdoor areas on a dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-35030 Indoor areas on a dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-35040 Ambulation route on a dementia care unit in a new building or addition. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-35040, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-35040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-35050 Physical plant on a dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-35060 Special egress control devices on a dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35060, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-352 Specialized rehabilitation. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-352, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-353 Outpatient rehabilitation. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-

028, § 388-97-353, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-355 Food service areas. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-355, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-355, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-357 Storage of equipment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-357, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-35710 Storage of resident room equipment in a new building or addition. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35710, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-35720 General storage in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35720, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-360 Lighting. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-360, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-360, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36010 Natural or artificial light. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36020 Outside lighting. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36030 Light shields. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36040 Illumination levels in new buildings and additions. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36050 Night lights in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36060 Switches in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36060, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-

062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36070 Electrical outlets. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36070, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-365 Safety. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-365, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-365, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36510 Safety -- Poisons and nonmedical chemicals. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36510, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36520 Safety -- Storage of equipment and supplies. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36520, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36530 Safety -- Handrails. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36530, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-370 Water supply. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-370, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-370, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-37010 Hot water. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-37010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-37020 Cross connections. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-37020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-375 Pest control. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-375, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-375, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-380 Maintenance and repair. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-380, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-3820 Stairways, ramps, and corridors in new construction. [Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3820, filed 9/24/08, effective 11/1/08.] Repealed by 10-02-021, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW.

388-97-385 Sewage and liquid waste disposal. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-385, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-385, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-390 General. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-390, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-395 Design requirements. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-395, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-400 General new construction documents. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-400, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-400, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-40010 Preliminary new construction documents. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-40010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-401 Final new construction documents. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-401, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-402 Preinstallation submissions for new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-402, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-403 New construction timelines. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-403, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-405 Exemptions to new construction requirements. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-405, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-405, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-410 State building code in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-410, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-410, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-415 Electrical codes and standards in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-415, filed 2/24/00, effective 3/26/00;

94-19-041 (Order 3782), § 388-97-415, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-420 Elevator codes in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-420, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-420, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-425 Local codes and ordinances in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-425, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-425, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-430 Entrances and exits in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-430, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-430, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-43010 Lobbies in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-43020 Interview space in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-43030 Offices in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-43040 Inservice education space in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-43050 Staff areas in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-435 Resident care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-435, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-440 Resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-440, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-445 Resident room equipment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-445, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-450 Resident toilet and bathing facilities. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-450, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-455 Visiting and private space in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-455, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-455, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-45510 Outdoor recreation space and walkways in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-45510, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-460 Pools in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-460, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-460, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46010 Pharmacies in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-465 Elevators in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-465, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-465, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46510 Stairways, ramps, and corridors in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46510, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46520 Walking surfaces in a new building or addition. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46520, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46530 Doors in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46530, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46540 Floor finishes in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46540, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51

and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46550 Carpets in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46550, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46560 Coving in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46560, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46570 Walls in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46570, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46580 Accessories in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46580, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46590 Miscellaneous in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46590, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-470 Heating systems in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-470, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-470, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-47010 Cooling systems in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-47010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-47020 Ventilation systems in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-47020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-475 Electrical. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-475, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-480 Handwashing sinks in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-480, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-480, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-48010 Drinking fountains in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-48010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-48020 Mixing valves or mixing faucets in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-48020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-48030 Spouts in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-48030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-48040 Faucet controls in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-48040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-550 Initial nursing home license. [Statutory Authority: RCW 18.51.050. 02-20-058, § 388-97-550, filed 9/27/02, effective 10/28/02. Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-550, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-555 Nursing home license renewal. [Statutory Authority: RCW 18.51.050. 02-20-058, § 388-97-555, filed 9/27/02, effective 10/28/02. Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-555, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-560 Department review of initial nursing home license applications. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-560, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-565 Department review of nursing home license renewals. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-565, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-565, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-570 Reasons for denial, suspension, modification, revocation of, or refusal to renew a nursing home license. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-23-030, § 388-97-570, filed 11/12/02, effective 12/13/02; 02-14-063, § 388-97-570, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-570, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-575 Appeal of the department's licensing decision. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-575, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-575, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-580 Management agreements. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-580, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-580, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-585 Change of ownership. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-585, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-585, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-590 Licensed bed capacity. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-590, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-595 Relocation of residents. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-595, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-595, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-600 License relinquishment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-600, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-605 Inspections and deficiency citation report. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-605, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-610 Plan of correction. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-610, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-615 Acceptable and unacceptable plans of correction. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-615, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-620 Informal department review. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-620, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-625 Notice and appeal rights. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-625, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-630 Remedies. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-630, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-635 Criteria for imposing optional remedies. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-635, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-640 Severity and scope of deficiencies. [Statutory Authority: RCW 18.51.070, 74.42.620.

02-14-063, § 388-97-640, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-645 Separate deficiencies -- Separate remedies. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-645, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-650 Stop placement. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-23-030, § 388-97-650, filed 11/12/02, effective 12/13/02; 02-14-063, § 388-97-650, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-655 Amount of civil fine. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-655, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-660 Civil fine accrual and due dates and interest. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-660, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-665 Civil penalty fund. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-665, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-670 Temporary management. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-670, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-675 Receivership. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-675, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-680 Temporary managers and receivers -- Application. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-680, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-685 Temporary managers and receivers -- Considerations before appointment. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-685, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-690 Duties and powers of temporary manager and receiver. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-690, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-695 Termination of temporary management and receivership. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-695, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory

Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-0001
Definitions.

"Abandonment" means action or inaction by an individual or entity with a duty of care for a vulnerable adult that leaves the vulnerable individual without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment of a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(1) **"Mental abuse"** means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a resident from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(2) **"Physical abuse"** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or restraints including chemical restraints, unless the restraint is consistent with licensing requirements.

(3) **"Sexual abuse"** means any form of nonconsensual, sexual contact, including, but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person and a resident, whether or not it is consensual.

(4) **"Exploitation"** means an act of forcing, compelling, or exerting undue influence over a resident causing the resident to act in a way that is inconsistent with relevant past behavior, or causing the resident to perform services for the benefit of another.

"Administrative hearing" is a formal hearing proceeding before a state administrative law judge that gives:

(1) A licensee an opportunity to be heard in disputes about licensing actions, including the imposition of remedies, taken by the department; or

(2) An individual an opportunity to appeal a finding of abandonment, abuse, neglect, financial exploitation of a resident, or misappropriation of a resident's funds.

"Administrative law judge (ALJ)" means an impartial decision-maker who presides over

an administrative hearing. ALJs are employed by the office of administrative hearings (OAH), which is a separate state agency. ALJs are not DSHS employees or DSHS representatives.

"Administrator" means a nursing home administrator, licensed under chapter 18.52 RCW, who must be in active administrative charge of the nursing home, as that term is defined in the board of nursing home administrator's regulations.

"Advanced registered nurse practitioner (ARNP)" means an individual who is licensed to practice as an advanced registered nurse practitioner under chapter 18.79 RCW.

"Applicant" means an individual, partnership, corporation, or other legal entity seeking a license to operate a nursing home.

"ASHRAE" means the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc.

"Attending physician" means the doctor responsible for a particular individual's total medical care.

"Berm" means a bank of earth piled against a wall.

"Chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and is not required to treat the resident's medical symptoms.

"Civil adjudication proceeding" means judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect, abandonment, violation of a professional licensing standard regarding a child or vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also includes judicial or administrative findings that become final due to the failure of the alleged perpetrator to timely exercise a legal right to administratively challenge such findings.

"Civil fine" is a civil monetary penalty assessed against a nursing home as authorized by chapters 18.51 and 74.42 RCW. There are two types of civil fines, "per day" and "per instance."

(1) **"Per day fine"** means a fine imposed for each day that a nursing home is out of compliance with a specific requirement. Per day fines are assessed in accordance with WAC 388-97-4580(1); and

(2) **"Per instance fine"** means a fine imposed for the occurrence of a deficiency.

"Condition on a license" means that the department has imposed certain requirements on a license and the licensee cannot operate the nursing home unless the requirements are observed.

"Deficiency" is a nursing home's failed practice, action or inaction that violates any or all of the following:

(1) Requirements of chapters 18.51 or 74.42 RCW, or the requirements of this chapter; and

(2) In the case of a medicare and medicaid contractor, participation requirements under Title XVIII and XIX of the Social Security Act and federal medicare and medicaid regulations.

"Deficiency citation" or **"cited deficiency"** means written documentation by the department that describes a nursing home's deficiency(ies); the requirement that the deficiency(ies) violates; and the reasons for the determination of noncompliance.

"Deficient facility practice" or **"failed facility practice"** means the nursing home action(s), error(s), or lack of action(s) that provide the basis for the deficiency.

"Dementia care" means a therapeutic modality or modalities designed specifically for the care of persons with dementia.

"Denial of payment for new admissions" is an action imposed on a nursing home (facility) by the department that prohibits payment for new medicaid admissions to the nursing home after a specified date. Nursing homes certified to provide medicare and medicaid services may also be subjected to a denial of payment for new admissions by the federal Centers for Medicare and Medicaid Services.

"Department" means the state department of social and health services (DSHS).

"Department on-site monitoring" means an optional remedy of on-site visits to a nursing home by department staff according to department guidelines for the purpose of monitoring resident care or services or both.

"Dietitian" means a qualified dietitian. A qualified dietitian is one who is registered by the American Dietetic Association or certified by the state of Washington.

"Disclosure statement" means a signed statement by an individual in accordance with the requirements under RCW 43.43.834. The statement should include a disclosure of whether or not the individual has been convicted of certain crimes or has been found by any court, state licensing board, disciplinary board, or protection proceeding to have neglected, sexually abused, financially exploited, or physically abused any minor or adult individual.

"Drug" means a substance:

(1) Recognized as a drug in the official *United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, Official National Formulary*, or any supplement to any of them; or

(2) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease.

"Drug facility" means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

"Emergency closure" is an order by the department to immediately close a nursing home.

"Emergency transfer" means immediate transfer of residents from a nursing home to safe settings.

"Entity" means any type of firm, partnership, corporation, company, association, or joint stock association.

"Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any individual for his or her profit or advantage.

"Habilitative services" means the planned interventions and procedures which constitute a continuing and comprehensive effort to teach an individual previously undeveloped skills.

"Highest practicable physical, mental, and psychosocial well-being" means providing each resident with the necessary individualized care and services to assist the resident to achieve or maintain the highest possible health, functional and independence level in accordance with the resident's comprehensive assessment and plan of care. Care and services provided by the nursing home must be consistent with all requirements in this chapter, chapters 74.42 and 18.51 RCW, and the resident's informed choices. For medicaid and medicare residents, care and services must also be consistent with Title XVIII and XIX of the Social Security Act and federal medicare and medicaid regulations.

"Informal department review" is a dispute resolution process that provides an opportunity for the licensee or administrator to informally present information to a department representative about disputed, cited deficiencies. Refer to WAC 388-97-4420.

"Inspection" or **"survey"** means the process by which department staff evaluates the nursing home licensee's compliance with applicable statutes and regulations.

"Intermediate care facility for the mentally retarded (ICF/MR)" means an institution certified under chapter 42 C.F.R., Part 483, Subpart I, and licensed under chapter 18.51 RCW.

"License revocation" is an action taken by the department to cancel a nursing home license in accordance with RCW 18.51.060 and WAC 388-97-4220.

"License suspension" is an action taken by the department to temporarily revoke a nursing home license in accordance with RCW 18.51.060 and this chapter.

"Licensee" means an individual, partnership, corporation, or other legal entity licensed to operate a nursing home.

"Licensed practical nurse" means an individual licensed to practice as a licensed practical nurse under chapter 18.79 RCW;

"Mandated reporter" as used in this chapter means any employee of a nursing home, any health care provider subject to chapter 18.130 RCW, the Uniform Disciplinary Act, and any licensee or operator of a nursing home. Under RCW 74.34.020, mandated reporters also include any employee of the department of social and health services, law enforcement officers, social workers, professional school personnel, individual providers, employees and licensees of boarding home, adult family homes, soldiers' homes, residential habilitation centers, or any other facility licensed by the department, employees of social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agencies, county coroners or medical examiners, or Christian Science practitioners.

"Misappropriation of resident property" means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a resident's belongings or money.

"NFPA" means National Fire Protection Association, Inc.

"Neglect":

(1) In a nursing home licensed under chapter 18.51 RCW, neglect means that an individual or entity with a duty of care for nursing home residents has:

(a) By a pattern of conduct or inaction, failed to provide goods and services to maintain physical or mental health or to avoid or prevent physical or mental harm or pain to a resident; or

(b) By an act or omission, demonstrated a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the resident's health, welfare, or safety.

(2) In a skilled nursing facility or nursing facility, neglect also means a failure to provide a resident with the goods and services necessary to avoid physical harm, mental anguish, or mental illness.

"Noncompliance" means a state of being out of compliance with state and/or federal requirements for nursing homes/facilities.

"Nursing assistant" means a nursing assistant as defined under RCW 18.88A.020 or successor laws.

"Nursing facility (NF)" or **"medicaid-certified nursing facility"** means a nursing home, or

any portion of a hospital, veterans' home, or residential habilitation center, that is certified to provide nursing services to medicaid recipients under Section 1919(a) of the federal Social Security Act.

"Nursing home" means any facility licensed to operate under chapter 18.51 RCW.

"Officer" means an individual serving as an officer of a corporation.

"Owner of five percent or more of the assets of a nursing home" means:

(1) The individual, and if applicable, the individual's spouse, who operates, or is applying to operate, the nursing home as a sole proprietorship;

(2) In the case of a corporation, the owner of at least five percent of the shares or capital stock of the corporation; or

(3) In the case of other types of business entities, the owner of a beneficial interest in at least five percent of the capital assets of an entity.

"Partner" means an individual in a partnership owning or operating a nursing home.

"Person" means any individual, firm, partnership, corporation, company, association or joint stock association.

"Pharmacist" means an individual licensed by the Washington state board of pharmacy under chapter 18.64 RCW.

"Pharmacy" means a place licensed under chapter 18.64 RCW where the practice of pharmacy is conducted.

"Physical restraint" means any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that the resident cannot remove easily, and which restricts freedom of movement or access to the resident's body.

"Physician's assistant (PA)" means a physician's assistant as defined under chapter 18.57A or 18.71A RCW or successor laws.

"Plan of correction" is a nursing home's written response to cited deficiencies that explains how it will correct the deficiencies and how it will prevent their reoccurrence.

"Reasonable accommodation" and **"reasonably accommodate"** has the meaning given in federal and state antidiscrimination laws and regulations. For the purpose of this chapter:

(1) Reasonable accommodation means that the nursing home must:

(a) Not impose admission criteria that excludes individuals unless the criteria is necessary

for the provision of nursing home services;

(b) Make reasonable modification to its policies, practices or procedures if the modifications are necessary to accommodate the needs of the resident;

(c) Provide additional aids and services to the resident.

(2) Reasonable accommodations are not required if:

(a) The resident or individual applying for admission presents a significant risk to the health or safety of others that cannot be eliminated by the reasonable accommodation;

(b) The reasonable accommodations would fundamentally alter the nature of the services provided by the nursing home; or

(c) The reasonable accommodations would cause an undue burden, meaning a significant financial or administrative burden.

"Receivership" is established by a court action and results in the removal of a nursing home's current licensee and the appointment of a substitute licensee to temporarily operate the nursing home.

"Recurring deficiency" means a deficiency that was cited by the department, corrected by the nursing home, and then cited again within fifteen months of the initial deficiency citation.

"Registered nurse" means an individual licensed to practice as a registered nurse under chapter 18.79 RCW.

"Rehabilitative services" means the planned interventions and procedures which constitute a continuing and comprehensive effort to restore an individual to the individual's former functional and environmental status, or alternatively, to maintain or maximize remaining function.

"Resident" generally means an individual residing in a nursing home. Except as specified elsewhere in this chapter, for decision-making purposes, the term "resident" includes the resident's surrogate decision maker acting under state law. The term resident excludes outpatients and individuals receiving adult day or night care, or respite care.

"Resident care unit" means a functionally separate unit including resident rooms, toilets, bathing facilities, and basic service facilities.

"Respiratory isolation" is a technique or techniques instituted to prevent the transmission of pathogenic organisms by means of droplets and droplet nuclei coughed, sneezed, or breathed into the environment.

"Siphon jet clinic service sink" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inches in diameter.

"Skilled nursing facility (SNF)" or **"medicare-certified skilled nursing facility"** means a nursing home or a long-term care wing or unit of a hospital that has been certified to provide nursing services to medicare recipients under Section 1819(a) of the federal Social Security Act.

"Social/therapeutic leave" means leave which is for the resident's social, emotional, or psychological well-being; it does not include medical leave.

"Staff work station" means a location at which nursing and other staff perform charting and related activities throughout the day.

"Stop placement" or **"stop placement order"** is an action taken by the department prohibiting nursing home admissions, readmissions, and transfers of patients into the nursing home from the outside.

"Substantial compliance" means the nursing home has no deficiencies higher than severity level 1 as described in WAC 388-97-4500, or for medicaid certified facility, no deficiencies higher than a scope and severity "C."

"Surrogate decision maker" means a resident representative or representatives as outlined in WAC 388-97-0240, and as authorized by RCW 7.70.065.

"Survey" means the same as **"inspection"** as defined in this section.

"Temporary manager" means an individual or entity appointed by the department to oversee the operation of the nursing home to ensure the health and safety of its residents, pending correction of deficiencies or closure of the facility.

"Termination" means an action taken by:

(1) The department, or the nursing home, to cancel a nursing home's medicaid certification and contract; or

(2) The department of health and human services Centers for Medicare and Medicaid Services, or the nursing home, to cancel a nursing home's provider agreement to provide services to medicaid or medicare recipients, or both.

"Toilet room" means a room containing at least one toilet fixture.

"Uncorrected deficiency" is a deficiency that has been cited by the department and that is not corrected by the licensee by the time the department does a revisit.

"Violation" means the same as **"deficiency"** as defined in this section.

"Volunteer" means an individual who is a regularly scheduled individual not receiving payment for services and having unsupervised access to a nursing home resident.

"Vulnerable adult" includes a person:

(1) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(2) Found incapacitated under chapter 11.88 RCW; or

(3) Who has a developmental disability as defined under RCW 71A.10.020; or

(4) Admitted to any facility, including any boarding home; or

(5) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(6) Receiving services from an individual provider; or

(7) With a functional disability who lives in his or her own home, who is directing and supervising a paid personal aide to perform a health care task as authorized by RCW 74.39.050.

"Whistle blower" means a resident, employee of a nursing home, or any person licensed under Title 18 RCW, who in good faith reports alleged abandonment, abuse, financial exploitation, or neglect to the department, the department of health or to a law enforcement agency.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-0001, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0001, filed 9/24/08, effective 11/1/08.]

388-97-0020
Nursing facility care.

The nursing facility must provide items, care, and services in accordance with this chapter and with federal regulations under 42 C.F.R. § 483.1 through 483.206, or successor laws, and other applicable federal requirements.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0020, filed 9/24/08, effective 11/1/08.]

388-97-0040
Discrimination prohibited.

(1) A nursing facility must establish and maintain identical policies and practices regarding transfer, discharge, and the provision of services covered under the state medicaid plan for all individuals regardless of source of payment.

(2) A nursing facility must not require or request:

(a) Residents or potential residents to waive their rights to medicare or medicaid;

(b) Oral or written assurance that residents or potential residents are not eligible for, or will not apply for medicare or medicaid benefits; and

(c) A third party guarantee of payment to the facility as a condition of admission or expedited admission, or continued stay in the facility. However, the facility may require an individual who has legal access to a resident's income or resources available to pay for facility care to sign a contract, without incurring personal financial liability, to provide facility payment from the resident's income or resources.

(3) A nursing facility must inform, in writing, a prospective resident, and where applicable, the resident's representative, before or at the time of admission, that a third party may not be required or requested to personally guarantee payment to the nursing home, as specified in subsection (2)(c) of this section.

(4) A nursing facility must readmit a resident, who has been hospitalized or on therapeutic leave, immediately to the first available bed in a semiprivate room if the resident:

(a) Requires the services provided by the facility; and

(b) Is eligible for medicaid nursing facility services.

(5) A nursing facility must not:

(a) Deny or delay admission or readmission of an individual to the facility because of the individual's status as a medicaid recipient;

(b) Transfer a resident, except from a single room to another room within the facility, because of the resident's status as a medicaid recipient;

(c) Discharge a resident from a facility because of the resident's status as a medicaid recipient; or

(d) Charge medicaid recipients any amounts in excess of the medicaid rate from the date of eligibility, except for any supplementation that may be permitted by department regulation.

(6) A nursing facility must maintain only one list of names of individuals seeking admission to the facility, which is ordered by the date of request for admission, and must:

(a) Offer admission to individuals in the order they appear on the list, except as provided in subsection (7), as long as the facility can meet the needs of the individual with available staff or through the provision of reasonable accommodations required by state or federal laws;

(b) Retain the list of individuals seeking admission for one year from the month admission was requested; and

(c) Offer admission to the portions of the facility certified under medicare and medicaid without discrimination against persons eligible for medicaid, except as provided in subsection (7).

(7) A nursing facility is permitted to give preferential admission to individuals who seek admission from a boarding home, licensed under chapter 18.20 RCW, or from independent retirement housing, if:

(a) The nursing facility is owned by the same entity that owns the boarding home or independent housing; and

(b) They are located within the same proximate geographic area; and

(c) The purpose of the preferential admission is to allow continued provision of culturally or faith-based services, or services provided by a continuing care retirement community as defined in RCW 74.38.025.

(8) A nursing facility must develop and implement written policies and procedures to ensure nondiscrimination in accordance with this section and RCW 74.42.055.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0040, filed 9/24/08, effective 11/1/08.]

388-97-0060
Nursing facility admission and payment requirements.

Refer to WAC 388-106-0350 through 388-106-0360.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0060, filed 9/24/08, effective 11/1/08.]

388-97-0080
Discharge planning.

(1) A resident has the right to attain or maintain the highest practicable physical, mental, and psychosocial well-being, and to reside in the most independent setting. Therefore, the nursing home must:

(a) Utilize a formal resident discharge planning system with identical policies and practices for all residents regardless of source of payment;

(b) Inform the resident or resident's representative in writing of the nursing home's discharge planning system when the resident is admitted or as soon as practical after the resident's admission, including:

(i) Specific resources available to assist the resident in locating a lesser care setting;

(ii) The name of the nursing home's discharge coordinator(s);

(iii) In the case of a medicaid certified nursing facility, the address and telephone number for the department's local home and community services office; and

(iv) In the case of a resident identified through pre-admission screening and resident review (PASRR) as having a developmental disability or mental illness, the address and telephone number for the division of developmental disabilities or the mental health PASRR contractor.

(2) The nursing home must prepare a detailed, written transfer or discharge plan for each resident determined to have potential for transfer or discharge within the next three months. The nursing home must:

(a) Develop and implement the plan with the active participation of the resident and, where appropriate, the resident's representative;

(b) In the case of a medicaid resident, coordinate the plan with the department's home and community services staff;

(c) In the case of a resident identified through PASRR as having a developmental disability or mental illness, coordinate the plan with the division of developmental disabilities or the mental

health PASRR contractor;

(d) Ensure the plan is an integral part of the resident's comprehensive plan of care and, as such, includes measurable objectives and timetables for completion;

(e) Incorporate in the plan relevant factors to include, but not be limited to the:

(i) Resident's preferences;

(ii) Support system;

(iii) Assessments and plan of care; and

(iv) Availability of appropriate resources to match the resident's preferences and needs.

(f) Identify in the plan specific options for more independent placement; and

(g) Provide in the plan for the resident's continuity of care, and to reduce potential transfer trauma, including, but not limited to, pretransfer visit to the new location whenever possible.

(3) For a resident whose transfer or discharge is not anticipated in the next three months, the nursing home must:

(a) Document the specific reasons transfer or discharge is not anticipated in that time frame; and

(b) Review the resident's potential for transfer or discharge at the time of the quarterly comprehensive plan of care review. If the reasons documented under subsection (3)(a) of this section are unchanged, no additional documentation of reasons is necessary at the time of plan of care review.

(4) The nursing home must initiate discharge planning on residents described in subsection (3) of this section:

(a) At the request of the resident or the resident's representative; and

(b) When there is a change in the resident's situation or status which indicates a potential for transfer or discharge within the next three months.

(5) Each resident has the right to request transfer or discharge and to choose a new location. If the resident chooses to leave, the nursing home must assist with and coordinate the resident's transfer or discharge. The medicaid resident, resident's representative, or nursing facility may request assistance from the department's home and community services or, where applicable, the division of developmental disabilities or mental health in the transfer or discharge planning and implementation process.

(6) The nursing home must coordinate all resident transfers and discharges with the resident, the resident's representative and any other involved individual or entity.

(7) When a nursing home anticipates discharge, a resident must have a discharge summary that includes:

(a) A recapitulation of the resident's stay;

(b) A final summary of the resident's status to include items in WAC 388-97-1000(1), at the time of discharge that is available for release to authorized individuals and agencies, with the consent of the resident or and surrogate decision maker; and

(c) A postdischarge plan of care that is developed with the participation of the resident and his or her family, which will assist the resident to adjust to his or her new living environment.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0080, filed 9/24/08, effective 11/1/08.]

388-97-0100
Utilization review.

(1) To assure appropriate use of medicaid services, the nursing facility must determine whether each medicaid resident's health has improved sufficiently so the resident no longer needs nursing facility care.

(a) The nursing facility must base its determination on:

(i) An accurate, comprehensive assessment process; and

(ii) Documentation by the resident's physician.

(b) The nursing facility is not responsible to assess under WAC 388-97-1960, PASSR level II screening assessment.

(2) When the nursing facility determines a resident no longer needs nursing facility care under subsection (1) of this section, the nursing facility must initiate transfer or discharge in accordance with WAC 388-97-0120, 388-97-0140, and 42 C.F.R. § 483.12, or successor laws, unless the resident voluntarily chooses to transfer or discharge.

(3) When a nursing facility initiates a transfer or discharge of a medicaid recipient under subsection (2) of this section:

(a) The resident will be ineligible for medicaid nursing facility payment:

(i) Thirty days after the receipt of written notice of transfer or discharge; or

(ii) If the resident appeals the facility determination, thirty days after the final order is entered upholding the nursing home's decision to transfer or discharge a resident.

(b) The department's home and community services may grant extension of a resident's medicaid nursing facility payment after the time specified in subsection (3)(a) of this section, when the department's home and community services staff determine:

(i) The nursing facility is making a good faith effort to relocate the resident; and

(ii) A location appropriate to the resident's medical and other needs is not available.

(4) Department designees may review any assessment or determination made by a nursing facility of a resident's need for nursing facility care.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-0100, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0100, filed 9/24/08, effective 11/1/08.]

388-97-0120
Individual transfer and discharge rights and procedures.

(1) The skilled nursing facility and nursing facility must comply with all of the requirements of 42 C.F.R. § 483.10 and § 483.12, and RCW 74.42.450, or successor laws, and the nursing home must comply with all of the requirements of RCW 74.42.450 (1) through (4) and (7), or successor laws, including the following provisions and must not transfer or discharge any resident unless:

(a) At the resident's request;

(b) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;

(c) The transfer or discharge is appropriate because the resident's health has improved enough so the resident no longer needs the services provided by the facility;

(d) The safety of individuals in the facility is endangered;

(e) The health of individuals in the facility would otherwise be endangered; or

(f) The resident has failed, after reasonable and appropriate notice, to pay for a stay at the facility.

(2) The following notice requirements apply if a nursing home/facility initiates the transfer or discharge of a resident. The notice must:

(a) Include all information required by 42 C.F.R. § 483.12 when given in a nursing facility;

(b) Be in writing, in language the resident understands;

(c) Be given to the resident, the resident's surrogate decision maker, if any, the resident's family and to the department;

(d) Be provided thirty days in advance of a transfer or discharge initiated by the nursing facility, except that the notice may be given as soon as practicable when the facility cannot meet the resident's urgent medical needs, or under the conditions described in (1)(c), (d), and (e) of this section; and

(e) Be provided fifteen days in advance of a transfer or discharge initiated by the nursing home, unless the transfer is an emergency.

(3) The nursing home must:

(a) Provide sufficient preparation and orientation to the resident to ensure safe and orderly transfer or discharge from the nursing home;

(b) Attempt to avoid the transfer or discharge of a resident from the nursing home through the use of reasonable accommodations unless agreed to by the resident and the requirements of WAC 388-97-0080 are met; and

(c) Develop and implement a bed-hold policy. This policy must be consistent with any bed-hold policy that the department develops.

(4) The nursing home must provide the bed-hold policy, in written format, to the resident, and a family member, before the resident is transferred or goes on therapeutic leave. At a minimum the policy must state:

(a) The number of days, if any, the nursing home will hold a resident's bed pending return from hospitalization or social/therapeutic leave;

(b) That a medicaid eligible resident, whose hospitalization or social/therapeutic leave exceeds the maximum number of bed-hold days will be readmitted to the first available semi-private bed, provided the resident needs nursing facility services. Social/therapeutic leave is defined under WAC 388-97-0001. The number of days of social/therapeutic leave allowed for medicaid residents and the authorization process is found under WAC 388-97-0160; and

(c) That a medicaid eligible resident may be charged if he or she requests that a specific bed be held, but may not be charged a bed-hold fee for the right to return to the first available bed in a semi-private room.

(5) The nursing facility must send a copy of the federally required transfer or discharge notice to:

(a) The department's home and community services when the nursing home has determined under WAC 388-97-0100, that the medicaid resident's health has improved sufficiently so that the resident no longer needs the services provided by the facility; and

(b) The department's designated local office when the transfer or discharge is for any of the following reasons:

(i) The resident's needs cannot be met in the facility;

(ii) The health or safety of individuals in the facility is endangered; or

(iii) The resident has failed to pay for, or to have paid under medicare or medicaid, a stay at the facility.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0120, filed 9/24/08, effective 11/1/08.]

388-97-0140
Transfer and discharge appeals for resident in medicare or medicaid certified facilities.

(1) A skilled nursing facility and a nursing facility that initiates transfer or discharge of any resident, regardless of payor status, must:

(a) Provide the required written notice of transfer or discharge to the resident and, if known or appropriate, to a family member or the resident's representative;

(b) Attach a department-designated hearing request form to the transfer or discharge notice;

(c) Inform the resident in writing, in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge; and

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of administrative hearings on or before the date the resident actually transfers or discharges; and

(iii) The nursing home will assist the resident in requesting a hearing to appeal the transfer or discharge decision.

(2) A skilled nursing facility or nursing facility must suspend transfer or discharge pending the outcome of the hearing when the resident's appeal is received by the office of administrative hearings on or before the date of the transfer or discharge set forth in the written transfer or discharge notice, or before the resident is actually transferred or discharged.

(3) The resident is entitled to appeal the skilled nursing facility or nursing facility's transfer or discharge decision. The appeals process is set forth in chapter 388-02 WAC and this chapter. In such appeals, the following will apply:

(a) In the event of a conflict between a provision in this chapter and a provision in chapter 388-02 WAC, the provision in this chapter will prevail;

(b) The resident must be the appellant and the skilled nursing facility or the nursing facility will be the respondent;

(c) The department must be notified of the appeal and may choose whether to participate in the proceedings. If the department chooses to participate, its role is to represent the state's interest in assuring that skilled nursing facility and nursing facility transfer and discharge actions comply substantively and procedurally with the law and with federal requirements necessary for federal funds;

(d) If a medicare certified or medicaid certified facility's decision to transfer or discharge a resident is not upheld, and the resident has been relocated, the resident has the right to readmission immediately upon the first available bed in a semi-private room if the resident requires and is eligible for the services provided by a nursing facility or skilled nursing facility;

(e) Any review of the administrative law judge's initial decision shall be conducted under WAC 388-02-0600(1).

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0140, filed 9/24/08, effective 11/1/08.]

388-97-0160
Discharge or leave of a nursing facility resident.

(1) A nursing facility must send immediate written notification of the date of discharge or death of a medicaid resident to the department's local home and community service office.

(2) The nursing facility must:

(a) Notify the department of nursing facility discharge and readmission for all medicaid recipients admitted as hospital inpatients; and

(b) Document in the resident's clinical record all social/therapeutic leave exceeding twenty-four hours.

(3) The department will pay the nursing facility for a medicaid resident's social/therapeutic leave not to exceed a total of eighteen days per calendar year per resident.

(4) The department's home and community services may authorize social/therapeutic leave exceeding eighteen days per calendar year per resident when requested by the nursing facility or by the resident. In the absence of prior authorization from the department's home and community services, the department will not make payment to a nursing facility for leave days exceeding eighteen per calendar year per resident.

(5) An individual who is on social/therapeutic leave retains the status of a nursing facility resident.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0160, filed 9/24/08, effective 11/1/08.]

388-97-0180
Resident rights.

(1) The nursing home must meet the resident rights requirements of this section and those in the rest of the chapter.

(2) The resident has a right to a dignified existence, self-determination, and communication with, and access to individuals and services inside and outside the nursing home.

(3) A nursing home must promote and protect the rights of each resident, including those with limited cognition or other barriers that limit the exercise of rights.

(4) The resident has the right to:

(a) Exercise his or her rights as a resident of the nursing home and as a citizen or resident

of the United States. Refer to WAC 388-97-0240;

(b) Be free of interference, coercion, discrimination, and reprisal from the nursing home in exercising his or her rights; and

(c) Not be asked or required to sign any contract or agreement that includes provisions to waive:

(i) Any resident right set forth in this chapter or in the applicable licensing or certification laws; or

(ii) Any potential liability for personal injury or losses of personal property.

(5) The nursing home must take steps to safeguard residents and their personal property from foreseeable risks of injury or loss.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0180, filed 9/24/08, effective 11/1/08.]

388-97-0200
Free choice.

The resident has the right to:

(1) Choose a personal attending physician.

(2) Be fully informed in advance about care and treatment and of any changes in that care or treatment that may affect the resident's well-being.

(3) Participate in planning care and treatment or changes in care and treatment.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0200, filed 9/24/08, effective 11/1/08.]

388-97-0220
Statute implemented in resident decision making, informed consent, and advance directives.

WAC 388-97-0240, 388-97-0260, and 388-97-0280 implement the federal Patient Self-Determination Act and clarify requirements under chapters 11.94, 7.70, 70.122, 11.88 and 11.92 RCW.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0220, filed 9/24/08, effective 11/1/08.]

388-97-0240
Resident decision making.

(1) At the time of admission, or not later than the completion of the initial comprehensive resident assessment, the nursing home must determine if the resident:

(a) Has appointed another individual to make his or her health care, financial, or other decisions;

(b) Has created any advance directive or other legal documents that will establish a surrogate decision maker in the future; and

(c) Is not making his or her own decisions, and identify who has the authority for surrogate decision making, and the scope of the surrogate decision maker's authority.

(2) The nursing home must review the requirements of (1) of this section when the resident's condition warrants the review or when there is a significant change in the resident's condition.

(3) In fulfilling its duty to determine who, if anyone, is authorized to make decisions for the resident, the nursing home must:

(a) Obtain copies of the legal documents that establish the surrogate decision maker's authority to act; and

(b) Document in the resident's clinical record:

(i) The name, address, and telephone number of the individual who has legal authority for substitute decision making;

(ii) The type of decision making authority such individual has; and

(iii) Where copies of the legal documents are located at the facility.

(4) In accordance with state law or at the request of the resident, the resident's surrogate decision maker is, in the case of:

(a) A capacitated resident, the individual authorized by the resident to make decisions on the resident's behalf;

(b) A resident adjudicated by a court of law to be incapacitated, the court appointed guardian; and

(c) A resident who has been determined to be incapacitated, but is not adjudicated incapacitated established through:

(i) A legal document, such as a durable power of attorney for health care; or

(ii) Authority for substitute decision making granted by state law, including RCW 7.70.065.

(5) Determination of an individual's incapacity must be a process according to state law not a medical diagnosis only and be based on:

(a) Demonstrated inability in decision making over time that creates a significant risk of personal harm;

(b) A court order; or

(c) The criteria contained in a legal document, such as durable power of attorney for health care.

(6) The nursing home must promote the resident's right to exercise decision making and self-determination to the fullest extent possible, taking into consideration his or her ability to understand and respond. Therefore, the nursing home must presume that the resident is the resident's own decision maker unless:

(a) A court has established a full guardianship of the individual;

(b) The capacitated resident has clearly and voluntarily appointed a surrogate decision maker;

(c) A surrogate is established by a legal document such as a durable power of attorney for health care; or

(d) The facility determines that the resident is an incapacitated individual according to RCW 11.88.010 and (5)(a) of this section.

(7) The nursing home must honor the exercise of the resident's rights by the surrogate decision maker as long as the surrogate acts in accordance with this section and with state and federal law which govern his or her appointment.

(8) If a surrogate decision maker exercises a resident's rights, the nursing home must take

into consideration the resident's ability to understand and respond and must:

(a) Inform the resident that a surrogate decision maker has been consulted;

(b) Provide the resident with the information and opportunity to participate in all decision making to the maximum extent possible; and

(c) Recognize that involvement of a surrogate decision maker does not lessen the nursing home's duty to:

(i) Protect the resident's rights; and

(ii) Comply with state and federal laws.

(9) The nursing home must:

(a) Regularly review any determination of incapacity based on (4)(b) and (c) of this section;

(b) Except for residents with a guardian, cease to rely upon the surrogate decision maker to exercise the resident's rights, if the resident regains capacity, unless so designated by the resident or by court order; and

(c) In the case of a guardian notify the court of jurisdiction in writing if:

(i) The resident regains capacity;

(ii) The guardian is not respecting or promoting the resident's rights;

(iii) The guardianship should be modified; or

(iv) A different guardian needs to be appointed.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0240, filed 9/24/08, effective 11/1/08.]

388-97-0260
Informed consent.

(1) The nursing home must ensure that the informed consent process is followed with:

(a) The resident to the maximum extent possible, taking into consideration his or her ability to understand and respond; and

(b) The surrogate decision maker when the resident is determined to be incapacitated as established through the provision of a legal document such as durable power of attorney for health care, a court proceeding, or as authorized by state law, including RCW 7.70.065. The surrogate decision maker must:

(i) First determine if the resident would consent or refuse the proposed or alternative treatment;

(ii) Discuss determination of consent or refusal with the resident whenever possible; and

(iii) When a determination of the resident's consent or refusal of treatment cannot be made, make the decision in the best interest of the resident.

(2) The informed consent process must include, in words and language that the resident, or if applicable the resident's surrogate decision maker, understands, a description of:

(a) The nature and character of the proposed treatment;

(b) The anticipated results of the proposed treatment;

(c) The recognized possible alternative forms of treatment;

(d) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment including nontreatment; and

(e) The right of the resident to choose not to be informed.

(3) To ensure informed consent or refusal by a resident, or if applicable the resident's surrogate decision maker, regarding plan or care options, the nursing home must:

(a) Provide the informed consent process to the resident in a neutral manner and in a language, words, and manner the resident can understand;

(b) Inform the resident of the right to consent to or refuse care and service options at the time of resident assessment and plan of care development (see WAC 388-97-1000 and 388-97-1020 and with condition changes, as necessary to ensure that the resident's wishes are known;

(c) Inform the resident at the time of initial plan of care decisions and periodically of the right to change his or her mind about an earlier consent or refusal decision;

(d) Ensure that evidence of informed consent or refusal is consistent with WAC 388-97-1000 and 388-97-1020; and

(e) Where appropriate, include evidence of resident's choice not to be informed as required in subsections (2) and (3) of this section.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0260, filed 9/24/08, effective 11/1/08.]

388-97-0280
Advance directives.

(1) **"Advance directive"** as used in this chapter means any document indicating a resident's choice with regard to a specific service, treatment, medication or medical procedure option that may be implemented in the future such as power of attorney, health care directive, limited or restricted treatment cardiopulmonary resuscitation (CPR), do not resuscitate (DNR), and organ tissue donation.

(2) The nursing home must carry out the provisions of this section in accordance with the applicable provisions of WAC 388-97-0240 and 388-97-0260, and with state law.

(3) The nursing home must:

(a) Document in the clinical record whether or not the resident has an advance directive;

(b) Not request or require the resident to have any advance directives and not condition the provision of care or otherwise discriminate against a resident on the basis of whether or not the resident has executed an advance directive;

(c) In a language and words the resident understands, inform the resident in writing and orally at the time of admission, and thereafter as necessary to ensure the resident's right to make informed choices, about:

(i) The right to make health care decisions, including the right to change his or her mind regarding previous decisions;

(ii) Nursing home policies and procedures concerning implementation of advance directives; and

(d) Review and update as needed the resident advance directive information:

(i) At the resident's request;

(ii) When the resident's condition warrants review; and

(iii) When there is a significant change in the resident's condition.

(4) When the nursing home becomes aware that a resident's health care directive is in conflict with facility practices and policies which are consistent with state and federal law, the nursing home must:

(a) Inform the resident of the existence of any nursing home practice or policy which would preclude implementing the health care directive;

(b) Provide the resident with written policies and procedures that explain under what circumstances a resident's health care directive will or will not be implemented by the nursing home;

(c) Meet with the resident to discuss the conflict; and

(d) Determine, in light of the conflicting practice or policy, whether the resident chooses to remain at the nursing home:

(i) If the resident chooses to remain in the nursing home, develop with the resident a plan in accordance with chapter 70.122 RCW to implement the resident's wishes. The nursing home may need to actively participate in ensuring the execution of the plan, including moving the resident at the time of implementation to a care setting that will implement the resident's wishes. Attach the plan to the resident's directive in the resident's clinical record; or

(ii) If, after recognizing the conflict between the resident's wishes and nursing home practice or policy the resident chooses to seek other long-term care services, or another physician who will implement the directive, the nursing home must assist the resident in locating other appropriate services.

(5) If a terminally ill resident, in accordance with state law, wishes to die at home, the nursing home must:

(a) Use the informed consent process as described in WAC 388-97-0260, and explain to the resident the risks associated with discharge; and

(b) Discharge the resident as soon as reasonably possible.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-0280, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0280, filed 9/24/08, effective 11/1/08.]

388-97-0300

Notice of rights and services.

(1) The nursing home must provide the resident, before admission, or at the time of admission in the case of an emergency, and as changes occur during the resident's stay, both orally and in writing and in language and words that the resident understands, with the following information:

(a) All rules and regulations governing resident conduct, resident's rights and responsibilities during the stay in the nursing home;

(b) Advanced directives, and of any nursing home policy or practice that might conflict with the resident's advance directive if made;

(c) Advance notice of transfer requirements, consistent with RCW 70.129.110;

(d) Advance notice of deposits and refunds, consistent with RCW 70.129.150; and

(e) Items, services and activities available in the nursing home and of charges for those services, including any charges for services not covered under medicare or medicaid or by the home's per diem rate.

(2) The resident has the right:

(a) Upon an oral or written request, to access all records pertaining to the resident including clinical records within twenty-four hours; and

(b) After receipt of his or her records for inspection, to purchase at a cost not to exceed twenty-five cents a page, photocopies of the records or any portions of them upon request and two working days advance notice to the nursing home. For the purposes of this chapter, **"working days"** means Monday through Friday, except for legal holidays.

(3) The resident has the right to:

(a) Be fully informed in words and language that he or she can understand of his or her total health status, including, but not limited to, his or her medical condition;

(b) Accept or refuse treatment; and

(c) Refuse to participate in experimental research.

(4) The nursing home must inform each resident:

(a) Who is entitled to medicaid benefits, in writing, prior to the time of admission to the nursing facility or, when the resident becomes eligible for medicaid of the items, services and activities:

(i) That are included in nursing facility services under the medicaid state plan and for which the resident may not be charged; and

(ii) That the nursing home offers and for which the resident may be charged, and the amount of charges for those services.

(b) That deposits, admission fees and prepayment of charges cannot be solicited or accepted from medicare or medicaid eligible residents; and

(c) That minimum stay requirements cannot be imposed on medicare or medicaid eligible residents.

(5) The nursing home must, except for emergencies, inform each resident in writing, thirty days in advance before changes are made to the availability or charges for items, services or activities specified in section (4)(a)(i) and (ii), or before changes to the nursing home rules.

(6) The private pay resident has the right to the following, regarding fee disclosure-deposits:

(a) Prior to admission, a nursing home that requires payment of an admission fee, deposit, or a minimum stay fee, by or on behalf of an individual seeking admission to the nursing home, must provide the individual:

(i) Full disclosure in writing in a language the potential resident or his representative understands:

(A) Of the nursing home's schedule of charges for items, services, and activities provided by the nursing home; and

(B) Of what portion of the deposits, admissions fees, prepaid charges or minimum stay fee will be refunded to the resident if the resident leaves the nursing home.

(ii) The amount of any admission fees, deposits, or minimum stay fees.

(iii) If the nursing home does not provide these disclosures, the nursing home must not keep deposits, admission fees, prepaid charges or minimum stay fees.

(b) If a resident dies or is hospitalized or is transferred and does not return to the nursing home, the nursing home:

(i) Must refund any deposit or charges already paid, less the home's per diem rate, for the days the resident actually resided or reserved or retained a bed in the nursing home, regardless of any minimum stay or discharge notice requirements; except that

(ii) The nursing home may retain an additional amount to cover its reasonable, actual expenses incurred as a result of a private pay resident's move, not to exceed five days per diem charges, unless the resident has given advance notice in compliance with the admission

agreement.

(c) The nursing home must refund any and all refunds due the resident within thirty days from the resident's date of discharge from the nursing home; and

(d) Where the nursing home requires the execution of an admission contract by or on behalf of an individual seeking admission to the nursing home, the terms of the contract must be consistent with the requirements of this section.

(7) The nursing home must furnish a written description of legal rights which includes:

(a) A description of the manner of protecting personal funds, under WAC 388-97-0340;

(b) In the case of a nursing facility only, a description of the requirements and procedures for establishing eligibility for medicaid, including the right to request an assessment which determines the extent of a couple's nonexempt resources at the time of institutionalization and attributes to the community spouse an equitable share of resources which cannot be considered available for payment toward the cost of the institutionalized spouse's medical care in his or her process of spending down to medicaid eligibility levels;

(c) A posting of names, addresses, and telephone numbers of all relevant state client advocacy groups such as the state survey and certification agency, the state licensure office, the state ombudsman program, the protection and advocacy network, and the medicaid fraud control unit; and

(d) A statement that the resident may file a complaint with the state survey and certification agency concerning resident abandonment, abuse, neglect, financial exploitation, and misappropriation of resident property in the nursing home.

(8) The nursing home must:

(a) Inform each resident of the name, and specialty of the physician responsible for his or her care; and

(b) Provide a way for each resident to contact his or her physician.

(9) The skilled nursing facility and nursing facility must prominently display in the facility written information, and provide to residents and individuals applying for admission oral and written information, about how to apply for and use medicare and medicaid benefits, and how to receive refunds for previous payments covered by such benefits.

(10) The written information provided by the nursing home pursuant to this section, and the terms of any admission contract executed between the nursing home and an individual seeking admission to the nursing home, must be consistent with the requirements of chapters 74.42 and 18.51 RCW and, in addition, for facilities certified under medicare or medicaid, with the

applicable federal requirements.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0300, filed 9/24/08, effective 11/1/08.]

388-97-0320
Notification of changes.

(1) A nursing home must immediately inform the resident, consult with the resident's physician, and if known, notify the resident's surrogate decision maker, and when appropriate, with resident consent, interested family member(s) when there is:

(a) An accident involving the resident which results in injury and has the potential for requiring physician intervention;

(b) A significant change in the resident's physical, mental, or psychosocial status (i.e., a deterioration in health, mental, or psychological status in either life-threatening conditions or clinical complications); refer to WAC 388-97-0240;

(c) A need to alter treatment significantly (i.e., a need to discontinue an existing form of treatment due to adverse consequences, or to commence a new form of treatment); or

(d) A decision to transfer or discharge the resident from the facility.

(2) The nursing home must also promptly notify the resident and, if known, the resident's surrogate decision maker, and when appropriate, with the resident's consent, interested family member(s) when there is:

(a) A change in room or roommate assignment, refer to the timing requirements in WAC 388-97-0580; or

(b) A change in resident rights under federal or state law or regulations as specified in WAC 388-97-0300.

(3) The nursing home must record and periodically update the address and phone number of the resident's legal surrogate decision maker and interested family member(s).

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0320, filed 9/24/08, effective 11/1/08.]

388-97-0340
Protection of resident funds.

(1) The resident has the right to manage his or her financial affairs and the nursing home may not require residents to deposit their personal funds with the nursing home.

(2) Upon written authorization of a resident, the nursing home must hold, safeguard, manage and account for the personal funds of the resident deposited with the nursing home.

(3) The nursing home must establish and maintain a system that assures a full, complete and separate accounting, according to generally accepted accounting principles, of each resident's personal funds entrusted to the nursing home on the resident's behalf and must:

(a) Deposit any resident's personal funds in excess of fifty dollars, one hundred dollars for medicare residents, in an interest-bearing resident personal fund account or accounts, separate from any nursing home operating accounts, and credit all interest earned to the account;

(b) Keep personal funds under fifty dollars, one hundred dollars for medicare residents, in a noninterest-bearing account or petty cash fund maintained for residents; and

(c) Make the individual financial record available to the resident or his or her surrogate decision maker through quarterly statements and on request.

(4) The nursing facility must notify each resident that receives medicaid benefits:

(a) When the amount in the resident's account reaches two hundred dollars less than the SSI resource limit for one individual; and

(b) That if the amount in the account, in addition to the value of the resident's other nonexempt resources, reaches the SSI resource limit for one individual, the resident may lose eligibility for medicaid or SSI.

(5) The nursing home must convey the resident's funds, and a final accounting of those funds, to the resident or to the individual or jurisdiction administering the resident's estate, within thirty days of the discharge, transfer or death of any resident with a personal fund deposited with the nursing home. The funds of a deceased medicaid resident must be sent to the state of Washington, department of social and health services, office of financial recovery.

(6) The nursing facility must purchase a surety bond, or an approved alternative, to assure security of personal funds of residents deposited with the facility.

(7) Medicare certified and medicaid certified facilities may not impose a charge against a resident's personal funds for any item or service for which payment is made under medicaid or

medicare as described in 42 C.F.R. § 483.10 (c)(8).

(8) Medicare certified and medicaid certified nursing facilities must:

(a) Not charge a resident (or the resident's representative) for any item or service not requested by the resident;

(b) Not require a resident, or the resident's representative, to request any item or service as a condition of admission or continued stay; and

(c) Inform the resident, or the resident's representative, requesting an item or services for which a charge will be made that there will be a charge for the item or service and what the charge will be.

(9) When a resident's financial eligibility for nursing facility services is established by the department, the facility must refund to the resident:

(a) Any deposit that was required prior to eligibility; and

(b) Any payments for services that will be covered retroactively by medicaid.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0340, filed 9/24/08, effective 11/1/08.]

388-97-0360
Privacy and confidentiality.

(1) The resident has the right to personal privacy and confidentiality of his or her personal and clinical records. Personal privacy includes:

(a) Accommodations;

(b) Medical treatment;

(c) Written and telephone communications;

(d) Personal care;

(e) Visits; and

(f) Meetings with family and resident groups.

(2) The resident may approve or refuse the release of personal and clinical records to any individual outside the nursing home, unless the resident has been adjudged incapacitated according to state law.

(3) The resident's right to refuse release of personal and clinical records does not apply when:

(a) The resident is transferred to another health care institution; or

(b) Record release is required by law.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0360, filed 9/24/08, effective 11/1/08.]

388-97-0380
Electronic monitoring equipment — Audio monitoring and video monitoring.

(1) Except as provided in this section or in WAC 388-97-0400, the nursing home must not use the following in the facility or on the premises:

(a) Audio monitoring equipment; or

(b) Video monitoring equipment if it includes an audio component.

(2) The nursing home may video monitor and video record activities in the facility or on the premises, without an audio component, only in the following areas:

(a) Entrances and exits as long as the cameras are:

(i) Focused only on the entrance or exit doorways; and

(ii) Not focused on areas where residents gather.

(b) Areas used exclusively by staff persons such as, medication preparation and storage areas or food preparation areas, if residents do not go into these areas;

(c) Outdoor areas not commonly used by residents, such as, but not limited to, delivery areas; and

(d) Designated smoking areas, subject to the following conditions:

(i) Residents have been assessed as needing supervision for smoking;

(ii) A staff person watches the video monitor at any time the area is used by such residents;

(iii) The video camera is clearly visible;

(iv) The video monitor is not viewable by general public; and

(v) The facility notifies all residents in writing of the use of video monitoring equipment.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0380, filed 9/24/08, effective 11/1/08.]

388-97-0400
Electronic monitoring equipment — Resident requested use.

(1) The nursing home must not use audio or video monitoring equipment to monitor any resident unless:

(a) The resident has requested the monitoring; and

(b) The monitoring is only used in the sleeping room of the resident who requested the monitoring.

(2) If the resident requests audio or video monitoring, before any electronic monitoring occurs, the nursing home must ensure:

(a) That the electronic monitoring does not violate chapter 9.73 RCW;

(b) The resident has identified a threat to the resident's health, safety or personal property;

(c) The resident's roommate has provided written consent to electronic monitoring, if the resident has a roommate; and

(d) The resident and the nursing home have agreed upon a specific duration for the electronic monitoring and the agreement is documented in writing.

(3) The nursing home must:

(a) Reevaluate the need for the electronic monitoring with the resident at least quarterly; and

(b) Have each re-evaluation in writing, signed and dated by the resident.

(4) The nursing home must immediately stop electronic monitoring if the:

(a) Resident no longer wants electronic monitoring;

(b) Roommate objects or withdraws the consent to the electronic monitoring; or

(c) The resident becomes unable to give consent.

(5) For the purposes of consenting to video electronic monitoring without an audio component, the term "resident" includes the resident's surrogate decision maker.

(6) For purpose of consenting to any audio electronic monitoring, the term "resident" includes:

(a) The individual residing in the nursing home; or

(b) The resident's court-appointed guardian or attorney-in-fact who has obtained a court order specifically authorizing the court-appointed guardian or attorney-in-fact to consent to audio electronic monitoring of the resident.

(7) If a resident's decision maker consents to audio electronic monitoring as specified in (6) above, the nursing home must maintain a copy of the court order authorizing such consent in the resident's record.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0400, filed 9/24/08, effective 11/1/08.]

388-97-0420
Work.

The resident has the right to:

(1) Refuse to perform services for the nursing home; and

(2) Perform services for the nursing home, if he or she chooses, when:

(a) The facility has documented the need or desire for work in the plan of care;

(b) The plan specifies the nature of the services performed and whether the services are voluntary or paid;

(c) Compensation for paid services is at or above prevailing rates; and

(d) The resident agrees to the work arrangement described in the plan of care.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0420, filed 9/24/08, effective 11/1/08.]

388-97-0440
Self-administration of drugs.

A resident may self-administer drugs if the interdisciplinary team has determined that this practice is safe.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0440, filed 9/24/08, effective 11/1/08.]

388-97-0460
Grievance rights.

A resident has the right to:

(1) Voice grievances without discrimination or reprisal. Grievances include those with respect to treatment which has been furnished as well as that which has not been furnished.

(2) Prompt efforts by the nursing home to resolve voiced grievances, including those with respect to the behavior of other residents.

(3) File a complaint, contact, or provide information to the department, the long-term care ombudsman, the attorney general's office, and law enforcement agencies without interference, discrimination, or reprisal. All forms of retaliatory treatment are prohibited, including those listed in chapter 74.39A RCW.

(4) Receive information from agencies acting as client advocates, and be afforded the opportunity to contact these agencies.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0460, filed 9/24/08, effective 11/1/08.]

388-97-0480
Examination of survey results.

(1) The resident has the right to examine the results of:

(a) The most recent survey of the nursing home conducted by federal and state surveyors;

(b) Surveys related to any current or subsequent complaint investigation; and

(c) Any required accompanying plan of correction, completed or not.

(2) Upon receipt of any deficiency citation report, the nursing home must publicly post a notice:

(a) That the results of the survey or complaint investigation, or both, are available regardless of whether the plan of correction is completed or not; and

(b) Of the location of the deficiency citation reports.

(3) For a report posted prior to the plan of correction being completed, the nursing home may attach an accompanying notice that explains the purpose and status of the plan of correction, informal dispute review, administrative hearing and other relevant information.

(4) Upon receipt of any citation report, the nursing home must publicly post a copy of the most recent full survey and all subsequent complaint investigation deficiency citation reports, including the completed plans of correction, when one is required.

(5) The notices and any survey reports must be available for viewing or examination in a place or places:

(a) Readily accessible to residents, which does not require staff interventions to access; and

(b) In plain view of the nursing home residents, including individuals visiting those residents, and individuals who inquire about placement in the nursing home.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0480, filed 9/24/08, effective 11/1/08.]

388-97-0500
Resident mail.

The resident has the right and the nursing home must provide immediate access to any resident by the following:

(1) Send and promptly receive mail that is unopened; and

(2) Have access to stationary, postage and writing implements at the resident's own expense.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0500, filed 9/24/08, effective 11/1/08.]

388-97-0520
Access and visitation rights.

(1) The resident has the right and the nursing home must provide immediate access to any resident by the following:

(a) For medicare and medicaid residents any representative of the U.S. department of health and human services (DHHS);

(b) Any representative of the state;

(c) The resident's personal physician;

(d) Any representative of the state long term care ombudsman program (established under section 307 (a)(12) of the Older American's Act of 1965);

(e) Any representative of the Washington protection and advocacy system, or any other agency (established under part c of the Developmental Disabilities Assistance and Bill of Rights Act);

(f) Any representative of the Washington protection and advocacy system, or any agency (established under the Protection and Advocacy for Mentally Ill Individuals Act);

(g) Subject to the resident's right to deny or withdraw consent at any time, immediate family

or other relatives of the resident; and

(h) Subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time, others who are visiting with the consent of the resident.

(2) The nursing home must provide reasonable access to any resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

(3) The nursing home must allow representatives of the state ombudsman, described in subsection (1)(d) of this section, to examine a resident's clinical records with the permission of the resident or the resident's surrogate decision maker, and consistent with state law. The ombudsman may also, under federal and state law, access resident's records when the resident is incapacitated and has no surrogate decision maker, and may access records over the objection of a surrogate decision maker if access is authorized by the state ombudsman pursuant to 42 U.S.C. § 3058g(b) and RCW 43.190.065.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0520, filed 9/24/08, effective 11/1/08.]

388-97-0540
Telephone.

The resident has the right to have twenty-four hour access to a telephone which:

(1) Provides auditory privacy;

(2) Is accessible to an individual with a disability and accommodates an individual with sensory impairment; and

(3) Does not include the use of telephones in staff offices and at the nurses station(s).

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0540, filed 9/24/08, effective 11/1/08.]

388-97-0560
Personal property.

(1) The resident has the right, unless to do so would infringe upon the rights or health and safety of other residents, to:

(a) Retain and use personal possessions, including some furnishings, and appropriate clothing, as space permits;

(b) Provide his or her own bed and other furniture, if desired and space permits; and

(c) Not be required to keep personal property locked in the facility office, safe, or similar arrangement.

(2) The nursing home must:

(a) Not request or require residents to sign waivers of potential liability for losses of personal property; and

(b) Have a system in place to safeguard personal property within the nursing home that protects the personal property and yet allows the resident to use his or her property.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0560, filed 9/24/08, effective 11/1/08.]

388-97-0580
Roommates/rooms.

(1) A resident has the right to:

(a) Share a room with his or her spouse or state registered domestic partners when both residents live in the same facility and both consent to the arrangement and the room complies with the requirements for two occupants; and

(b) Receive three days notice of change in room or roommate except:

(i) For room changes: The move is at the resident's request; and

(ii) For room or roommate changes: A longer or shorter notice is required to protect the health or safety of the resident or another resident; or an admission to the facility is necessary, and the resident is informed in advance. The nursing home must recognize that the change may be traumatic for the resident and take steps to lessen the trauma.

(2) The nursing home must make reasonable efforts to accommodate residents wanting to

share the same room.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-0580, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0580, filed 9/24/08, effective 11/1/08.]

388-97-0600
Refusal of certain transfers.

In dually certified facilities all beds are medicaid certified. Therefore the beds in a certified distinct part for medicare are also nursing facility beds for medicaid.

(1) Each resident has the right to refuse a transfer to another room within the facility, if the purpose of the transfer is to relocate:

(a) A resident from the medicare distinct part of the facility to a part of the facility that is not a medicare distinct part; or

(b) A resident from the part of the facility that is not a medicare distinct part to the medicare distinct part of the facility.

(2) A resident's exercise of the right to refuse transfer under subsection (1)(a) of this section does not affect the individual's eligibility or entitlement to medicare or medicaid benefits.

(3) The skilled nursing facility or nursing facility must inform residents of their rights under subsection (1) and (2) of this section at the time of the proposed transfer or relocation.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0600, filed 9/24/08, effective 11/1/08.]

388-97-0620
Chemical and physical restraints.

(1) The resident has the right to be free from any physical or chemical restraint imposed for purposes of:

(a) Discipline or convenience, and not required to treat the resident's medical symptoms; or

(b) Preventing or limiting independent mobility or activity.

(2) The nursing home must develop and implement written policies and procedures governing:

(a) The emergency use of restraints;

(b) The use of chemical and physical restraints, required for the treatment of the resident's medical symptoms, not for discipline or convenience;

(c) The personnel authorized to administer restraints in an emergency; and

(d) Monitoring and controlling the use of restraints.

(3) Physical restraints may be used in an emergency only when:

(a) It has been assessed as necessary to prevent a resident from inflicting injury to self or to others;

(b) The restraint is the least restrictive form of restraint possible;

(c) A physician's order is obtained:

(i) Within twenty-four hours; and

(ii) The order includes treatments to assist in resolving the emergency situation and eliminating the need for the restraint.

(d) The resident is released from the restraint as soon as the emergency no longer exists.

(4) In certain situations, chemical or physical restraints may be necessary for residents with acute or chronic mental or physical impairments. When chemical or physical restraints are used the nursing home must ensure that:

(a) The use of the restraint is related to a specific medical need or problem identified through a multidisciplinary assessment;

(b) The informed consent process is followed as described under WAC 388-97-0260; and

(c) The resident's plan of care provides approaches to reduce or eliminate the use of the restraint, where possible.

(5) The nursing home must ensure that any resident physically restrained is released:

(a) At intervals not to exceed two hours; and

(b) For periods long enough to provide for ambulation, exercise, elimination, food and fluid intake, and socialization as independently as possible.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0620, filed 9/24/08, effective 11/1/08.]

388-97-0640
Prevention of abuse.

(1) Each resident has the right to be free from verbal, sexual, physical and mental abuse, corporal punishment, and involuntary seclusion.

(2) The nursing home must develop and implement written policies and procedures that:

(a) Prohibit abandonment, abuse, and neglect of residents, financial exploitation, and misappropriation of resident property; and

(b) Require staff to report possible abuse, and other related incidents, as required by chapter 74.34 RCW, and for skilled nursing facilities and nursing facilities as required by 42 C.F.R. § 483.13.

(3) The nursing home must not allow staff to:

(a) Engage in verbal, mental, sexual, or physical abuse;

(b) Use corporal punishment;

(c) Involuntarily seclude, abandon, neglect, or financially exploit residents; or

(d) Misappropriate resident property.

(4) The nursing home must report any information it has about an action taken by a court of law against an employee to the department's complaint resolution unit and the appropriate department of health licensing authority, if that action would disqualify the individual from employment as described in RCW 43.43.842.

(5) The nursing home must ensure that all allegations involving abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property, including injuries of unknown origin, are reported immediately to the department, other applicable officials, and the administrator of the facility. The nursing home must:

(a) Ensure that the reports are made through established procedures in accordance with state law including chapter 74.34 RCW, and guidelines developed by the department; and

(b) Not have any policy or procedure that interferes with the requirement of chapter 74.34 RCW that employees and other mandatory reporters file reports directly with the department, and also with law enforcement, if they suspect sexual or physical assault has occurred.

(6) The nursing home must:

(a) Have evidence that all alleged violations are thoroughly investigated;

(b) Prevent further potential abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property while the investigation is in progress; and

(c) Report the results of all investigations to the administrator or his designated representative and to other officials in accordance with state law and established procedures (including the state survey and certification agency) within five working days of the incident, and if the alleged violation is verified appropriate action must be taken.

(7) When a mandated reporter has:

(a) Reasonable cause to believe that a vulnerable adult has been abandoned, abused, neglected, financially exploited, or a resident's property has been misappropriated, the individual mandatory reporter must immediately report the incident to the department's aging and disability services administration (ADSA);

(b) Reason to suspect that a vulnerable adult has been sexually or physically assaulted, the individual mandatory reporter must:

(i) Immediately report the incident to the department's aging and disability services administration (ADSA);

(ii) Notify local law enforcement in accordance with the provisions of chapter 74.34 RCW.

(8) Under RCW 74.34.053, it is:

(a) A gross misdemeanor for a mandated reporter knowingly to fail to report as required under this section; and

(b) A misdemeanor for a person to intentionally, maliciously, or in bad faith make a false report of alleged abandonment, abuse, financial exploitation, or neglect of a vulnerable adult.

(9) The nursing home must not employ individuals who are disqualified under the requirements of WAC 388-97-1820.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0640, filed 9/24/08, effective 11/1/08.]

388-97-0660
Resident protection program definition.

As used in WAC 388-97-0680 through 388-97-0840, the term **"individual,"** means anyone, used by the nursing home to provide services to residents who is alleged to have abandoned, abused, neglected, misappropriated property of a resident or financially exploited a resident. "Individual" includes, but is not limited to, employees, contractors, and volunteers.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0660, filed 9/24/08, effective 11/1/08.]

388-97-0680
Investigation of mandated reports.

(1) The department will review all allegations of resident abandonment, abuse, neglect, or financial exploitation, or misappropriation of resident property, as those terms are defined in this chapter, RCW 74.34.020 or 42 C.F.R. 488.301.

(2) If, after the review of an allegation, the department concludes that there is reason to believe that an individual has abandoned, abused, neglected, or financially exploited a resident, or has misappropriated a resident's property, then the department will initiate an investigation.

(3) The department's investigation may include, but is not limited to:

(a) The review of facility and state agency records;

(b) Interviews with anyone who may have relevant information about the allegation; and

(c) The collection of any evidence deemed necessary by the investigator.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0680, filed 9/24/08, effective 11/1/08.]

388-97-0700
Preliminary finding.

If, after review of the results of the investigation, the department determines that an individual has abandoned, abused, neglected, or financially exploited a resident, or has misappropriated a resident's property, the department will make a preliminary finding to that effect. However, a preliminary finding of neglect will not be made if the individual demonstrates that the neglect was caused by factors beyond the control of the individual.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0700, filed 9/24/08, effective 11/1/08.]

388-97-0720
Notice to individual of preliminary findings.

(1) The department will serve notice of the preliminary finding as provided in WAC 388-97-4425.

(2) The department may establish proof of service as provided in WAC 388-97-4430.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-0720, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0720, filed 9/24/08, effective 11/1/08.]

388-97-0725
Notice to others of preliminary findings.

Consistent with confidentiality requirements concerning the resident, witnesses, and the reporter, the department may provide notification of a preliminary finding to:

(1) Other divisions within the department;

(2) The agency, program or employer where the incident occurred;

(3) The employer or program that is currently associated with the individual;

(4) Law enforcement;

(5) Other entities as authorized by law including chapter 74.34 RCW and this chapter; and

(6) The appropriate licensing agency.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-0725, filed 12/29/09, effective 1/29/10.]

388-97-0740
Disputing a preliminary finding.

(1) The individual may request an administrative hearing to challenge a preliminary finding made by the department.

(2) The request must be made in writing to the office of administrative hearings.

(3) The office of administrative hearings must receive the individual's written request for an administrative hearing within thirty calendar days of the date of the notice of the preliminary finding; except under the circumstances described in subsection (4).

(4) If, an individual requests a hearing within one hundred eighty days of the date of the notice of the preliminary finding and the individual can demonstrate good cause for failing to request a hearing within thirty days, the office of administrative hearings may grant the request. Under these circumstances, the finding against the individual will remain on the department's registry pending the outcome of the hearing.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0740, filed 9/24/08, effective 11/1/08.]

388-97-0760
Hearing procedures to dispute preliminary finding.

Upon receipt of a written request for a hearing from an individual, the office of administrative hearings will schedule a hearing, taking into account the following requirements:

(1) The hearing decision must be issued within one hundred twenty days of the date the office of administrative hearings receives a hearing request; except as provided in subsection (6);

(2) Neither the department nor the individual can waive the one hundred twenty day requirement;

(3) The hearing will be conducted at a reasonable time and at a place that is convenient for the individual;

(4) The hearing, and any subsequent appeals, will be governed by this chapter, chapter 34.05 RCW, and chapter 388-02 WAC, or its successor regulations;

(5) A continuance may be granted for good cause upon the request of any party, as long as the hearing decision can still be issued within one hundred twenty days of the date of the receipt of the appeal; except under the circumstances described in subsection 6;

(6) If the administrative law judge finds that extenuating circumstances exist that will make it impossible to render a decision within one hundred twenty days, the administrative law judge may extend the one hundred twenty-day requirement by a maximum of sixty days; and

(7) To comply with the time limits described in this section, the individual must be available for the hearing and other preliminary matters. If the decision is not rendered within the time limit described in subsection (1), or if appropriate under subsection (6), the administrative law judge shall issue an order dismissing the appeal and the preliminary finding will become final.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0760, filed 9/24/08, effective 11/1/08.]

388-97-0780
Finalizing the preliminary finding.

(1) The preliminary finding becomes a final finding when:

(a) The department notifies the individual of a preliminary finding and the individual does not ask for an administrative hearing within the time frame provided under WAC 388-97-0740;

(b) The individual requested an administrative hearing to appeal the preliminary finding and the administrative law judge:

(i) Dismisses the appeal following withdrawal of the appeal or default;

(ii) Dismisses the appeal for failure to comply with the time limits under WAC 388-97-0760; or

(iii) Issues an initial order upholding the finding; or

(c) The board of appeals reverses an administrative law judge's initial order and issues a final order upholding the preliminary finding.

(2) A final finding is permanent, except under the circumstances described in (3).

(3) A final finding may be removed from the department's registry and, as appropriate, any other department lists under the following circumstances:

(a) The department determines the finding was made in error;

(b) The finding is rescinded following judicial review;

(c) At least one year after a single finding of neglect has been finalized, the department may remove the finding of neglect from the department's registry or department lists based upon a written petition by the individual and in accordance with requirements of federal law, 42 U.S.C. 1396r (g)(1)(D); or

(d) The department is notified of the individual's death.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0780, filed 9/24/08, effective 11/1/08.]

388-97-0800
Reporting final findings.

The department will report a final finding of abandonment, abuse, neglect, financial exploitation of a resident, and misappropriation of resident property within ten working days to the following:

(1) The individual;

(2) The current administrator of the facility in which the incident occurred;

(3) The administrator of the facility that currently employs the individual, if known;

(4) The department's registry;

(5) The appropriate licensing authority; and

(6) Any other lists maintained by a state or federal agency as appropriate.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0800, filed 9/24/08, effective 11/1/08.]

388-97-0820
Appeal of administrative law judge's initial order or finding.

(1) If the individual or the department disagrees with the administrative law judge's decision, either party may appeal this decision by filing a petition for review with the department's board of appeals as provided under chapter 34.05 RCW and chapter 388-02 WAC.

(2) If the individual appeals the administrative law judge's decision, the finding will remain on the department's registry or other lists.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0820, filed 9/24/08, effective 11/1/08.]

388-97-0840
Disclosure of investigative and finding information.

(1) Information obtained during the investigation into allegations of abandonment, abuse, neglect, misappropriation of property, or financial exploitation of a resident, and any documents generated by the department will be maintained and disseminated with regard for the privacy of the resident and any reporting individuals and in accordance with laws and regulations regarding confidentiality and privacy.

(2) Confidential information about resident and mandated reporters provided to the individual by the department must be kept confidential and may only be used by the individual to challenge findings through the appeals process.

(3) Confidential information such as the name and other personal identifying information of the reporter, witnesses, or the resident will be redacted from the documents unless release of that information is consistent with chapter 74.34 RCW and other applicable state and federal laws.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0840, filed 9/24/08, effective 11/1/08.]

388-97-0860
Resident dignity and accommodation of needs.

(1) Dignity. The nursing home must ensure that:

(a) Resident care is provided in a manner to enhance each resident's dignity, and to respect and recognize his or her individuality; and

(b) Each resident's personal care needs are provided in a private area free from exposure to individuals not involved in providing the care.

(2) Accommodation of needs. Each resident has the right to reasonable accommodation of personal needs and preferences, except when the health or safety of the individual or other residents would be endangered.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0860, filed 9/24/08, effective 11/1/08.]

388-97-0880
Environment.

The nursing home must provide and maintain:

(1) A safe, clean, comfortable, and homelike environment, allowing the resident to use his or her personal belongings to the extent possible;

(2) Housekeeping and maintenance services necessary to maintain a sanitary, orderly, and comfortable interior;

(3) Comfortable and safe temperature levels:

(a) Facilities licensed after October 1, 1990 must maintain a temperature range of seventy-one to eighty-one degrees Fahrenheit; and

(b) Regardless of external weather conditions, all nursing homes must develop and implement procedures and processes to maintain a temperature level that is comfortable and safe for residents;

(4) Comfortable sound levels, to include:

(a) Minimizing the use of the public address system to ensure each use is in the best interest of the residents; and

(b) Taking reasonable precautions with noisy services so as not to disturb residents, particularly during their sleeping time; and

(5) Lighting suitable for any task the resident chooses to do, and any task the staff must do.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0880, filed 9/24/08, effective 11/1/08.]

388-97-0900
Self determination and participation.

The resident has the right to:

(1) Choose activities, schedules, and health care consistent with his or her interests, assessments, and plan of care;

(2) Interact with members of the community both inside and outside the nursing home;

(3) Make choices about aspects of his or her life in the facility that are significant to the resident; and

(4) Participate in social, religious, and community activities that do not interfere with the rights of other residents in the nursing home.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0900, filed 9/24/08, effective 11/1/08.]

388-97-0920
Participation in resident and family groups.

(1) A resident has the right to organize and participate in resident groups in the nursing home.

(2) The nursing home must provide a resident or family group, if one exists, with private

space.

(3) Staff or visitors may attend meetings only at the group's invitation.

(4) The nursing home must provide a designated staff individual responsible for providing assistance and responding to written requests that result from group meetings.

(5) When a resident or family group exists, the nursing home must listen to the views and act upon the grievances and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the nursing home.

(6) A resident's family has the right to meet in the nursing home with the families of other residents in the facility.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0920, filed 9/24/08, effective 11/1/08.]

388-97-0940
Activities.

The nursing home must:

(1) Provide for an ongoing program of activities designed to meet, in accordance with the comprehensive assessment, the interests and the physical, mental, and psychosocial well-being of each resident;

(2) Provide activities meaningful to the residents at various times throughout every day and evening based on each resident's need and preference; and

(3) Ensure that the activities program is directed by a qualified professional who:

(a) Is a qualified therapeutic recreation specialist or an activities professional who is eligible for certification as a therapeutic recreation specialist or as an activities professional by a recognized accrediting body on or after October 1, 1990; or

(b) Has two years of experience in a social or recreational program within the last five years, one of which was full-time in a patient activities program in a health care setting; or

(c) Is a qualified occupational therapist or occupational therapy assistant.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0940, filed 9/24/08, effective 11/1/08.]

388-97-0960
Social services.

The nursing home must:

(1) Provide medically related social services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident; and

(2) Employ a qualified social worker on a full-time basis if the nursing home has more than one hundred twenty beds. A qualified social worker is an individual with:

(a) A bachelor's degree in social work or a bachelor's degree in a human services field including but not limited to sociology, special education, rehabilitation counseling, and psychology; and

(b) One year of supervised social work experience in a health care setting working directly with patients or residents.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0960, filed 9/24/08, effective 11/1/08.]

388-97-0980
Pets.

(1) Each resident must have a reasonable opportunity to have regular contact with animals, if desired.

(2) The nursing home must:

(a) Consider the recommendations of nursing home residents, resident councils, and staff;

(b) Determine how to provide residents access to animals;

(c) Determine the type and number of animals available in the facility, which the facility can safely manage. Such animals should include only those customarily considered domestic pets;

(d) Ensure that any resident's rights, preferences, and medical needs are not compromised by the presence of an animal; and

(e) Ensure any animal visiting or living on the premises has a suitable temperament, is healthy, and otherwise poses no significant health or safety risks to residents, staff, or visitors.

(3) Animals living on the nursing home premises must:

(a) Have regular examinations and immunizations, appropriate for the species, by a veterinarian licensed in Washington state; and

(b) Be veterinarian certified to be free of diseases transmittable to humans.

(4) Pets must be restricted from:

(a) Central food preparation areas; and

(b) Residents who object to the presence of pets.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-0980, filed 9/24/08, effective 11/1/08.]

388-97-1000
Resident assessment.

(1) The nursing home must:

(a) Provide resident care based on a systematic, comprehensive, interdisciplinary assessment, and care planning process in which the resident participates, to the fullest extent possible;

(b) Conduct initially and periodically a comprehensive, accurate, standardized, reproducible assessment of each resident's functional capacity;

(c) At the time each resident is admitted:

(i) Have physician's orders for the resident's immediate care; and

(ii) Ensure that the resident's immediate care needs are identified in an admission assessment.

(d) Ensure that the comprehensive assessment of a resident's needs describes the resident's capability to perform daily life functions and significant impairments in functional capacity.

(2) The comprehensive assessment must include at least the following information:

(a) Identification and demographic information;

(b) Customary routine;

(c) Cognitive patterns;

(d) Communication;

(e) Vision;

(f) Mood and behavior patterns;

(g) Psychosocial well-being;

(h) Physical functioning and structural problems;

(i) Continence;

(j) Disease diagnosis and health conditions;

(k) Dental and nutritional status;

(l) Skin conditions;

(m) Activity pursuit;

(n) Medications;

(o) Special treatments and procedures;

(p) Discharge potential;

(q) Documentation of summary information regarding the assessment performed; and

(r) Documentation of participation in assessment.

(3) The nursing home must conduct comprehensive assessments:

(a) No later than fourteen days after the date of admission;

(b) Promptly after a significant change in the resident's physical or mental condition; and

(c) In no case less often than once every twelve months.

(4) The nursing home must ensure that:

(a) Each resident is assessed no less than once every three months, and as appropriate, the resident's assessment is revised to assure the continued accuracy of the assessment; and

(b) The results of the assessment are used to develop, review and revise the resident's comprehensive plan of care under WAC 388-97-1020.

(5) The skilled nursing facility and nursing facility must:

(a) For the required assessment, complete the state approved resident assessment instrument (RAI) for each resident in accordance with federal requirements;

(b) Place copies of the completed state approved RAI in each resident's clinical record, unless all charting is computerized;

(c) Maintain all copies of resident assessments completed within the resident's active clinical record for fifteen months;

(d) Assess each resident not less than every three months, using the state approved assessment instrument; and

(e) Transmit all state and federally required RAI information for each resident to the department:

(i) In a manner approved by the department;

(ii) Within ten days of completion of any RAI required under this subsection; and

(iii) Within ten days of discharging or readmitting a resident.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1000, filed 9/24/08, effective 11/1/08.]

388-97-1020
Comprehensive plan of care.

(1) The nursing home must develop a comprehensive plan of care for each resident that

includes measurable objectives and timetables to meet a resident's medical, nursing and mental and psychosocial needs that are identified in the comprehensive assessment.

(2) The comprehensive plan of care must:

(a) Describe the services that are to be furnished to attain or maintain the resident's highest practicable physical, mental, and psychosocial well-being as required under WAC 388-97-1060;

(b) Describe any services that would otherwise be required, but are not provided due to the resident's exercise of rights, including the right to refuse treatment (refer to WAC 388-97-0300 and 388-97-0260;

(c) Be developed within seven days after completion of the comprehensive assessment;

(d) Be prepared by an interdisciplinary team that includes the attending physician, a registered nurse with responsibility for the resident, and other appropriate staff in disciplines as determined by the residents needs;

(e) Consist of an ongoing process which includes a meeting if desired by the resident or the resident's representative; and

(f) Include the ongoing participation of the resident to the fullest extent possible, the resident's family or the resident's surrogate decision maker.

(3) The nursing home must implement a plan of care to meet the immediate needs of newly admitted residents, prior to the completion of the comprehensive assessment and plan of care.

(4) The nursing home must:

(a) Follow the informed consent process with the resident as specified in WAC 388-97-0260, regarding the interdisciplinary team's plan of care recommendations;

(b) Respect the resident's right to decide plan of care goals and treatment choices, including acceptance or refusal of plan of care recommendations;

(c) Include in the interdisciplinary plan of care process:

(i) Staff members requested by the resident; and

(ii) Direct care staff who work most closely with the resident.

(d) Respect the resident's wishes regarding which individuals, if any, the resident wants to take part in resident plan of care functions;

(e) Provide reasonable advance notice to and reasonably accommodate the resident family

members or other individuals the resident wishes to have attend, when scheduling plan of care meeting times; and

(f) Where for practical reasons any individuals significant to the plan of care process, including the resident, are unable to attend plan of care meetings, provide a method for such individuals to give timely input and recommendations.

(5) The nursing home must ensure that each comprehensive plan of care:

(a) Designates the discipline of the individuals responsible for carrying out the program; and

(b) Is reviewed at least quarterly by qualified staff, as part of the ongoing process of monitoring the resident's needs and preferences.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1020, filed 9/24/08, effective 11/1/08.]

388-97-1040
Dementia care.

(1) A nursing home must ensure that it provides residents with dementia with an environment designed to attain or maintain the highest level of functioning and well-being possible, taking into consideration the resident's medical condition and functional status. Therefore, the nursing home must:

(a) Have a program designed to meet the identified needs of the residents;

(b) Develop and implement program policies and procedures; and

(c) Train all staff, who have resident contact, in the special needs and care approaches applicable to residents with dementia. This training must be ongoing and consistent with requirements under WAC 388-97-1680 (2)(b).

(2) A nursing home that has a locked or secured dementia unit must:

(a) Always have staff present in the unit, available to meet the needs of the residents and to protect them in the event of an emergency;

(b) Have staff available to assist residents, as needed, in accessing outdoor areas;

(c) Have admission, transfer, and discharge criteria which ensures that:

(i) The process of informed consent is followed before admission to or transfer/discharge from the unit;

(ii) The resident is provided with unit specific admission or transfer/discharge criteria, prior to admission to the unit;

(iii) The resident's need for admission to the unit from another part of the nursing home, or transfer/discharge from the unit, is based on the comprehensive assessment and plan of care;

(iv) Through an evaluation prior to admission, a resident admitted directly from outside the nursing home meets the cognitive and functional criteria of the unit; and

(v) In the case of an individual admitted directly to the unit from outside the nursing home, as specified in subsection (2)(b)(iv) above, the nursing home may complete the comprehensive assessment after the individual's admission to the unit, provided that the nursing home complies with required time frames for completion of the resident assessment under WAC 388-97-1000.

(d) Provide private pay residents, or their surrogate decision maker written notification:

(i) If admitted from outside the nursing home, of additional charges, if any, for services, items, and activities in the unit, prior to admission; and

(ii) If admitted from another part of the nursing home, thirty days in advance of changes to those charges.

(e) Comply with physical plant requirements in WAC 388-97-2800 through 388-97-2920, for existing facilities and for new construction.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1040, filed 9/24/08, effective 11/1/08.]

388-97-1060
Quality of care.

(1) Consistent with resident rights, the nursing home must provide each resident with the necessary care and services to attain or maintain the highest practicable physical, mental and psychosocial well-being, self-care and independence in accordance with his or her comprehensive assessment and plan of care.

(2) Based on the comprehensive assessment of a resident, the nursing home must ensure that:

(a) A resident's abilities in activities of daily living do not decline unless circumstances of the resident's clinical condition demonstrate that the decline was unavoidable. This includes the resident's ability to:

(i) Bathe, dress, and groom;

(ii) Transfer and ambulate;

(iii) Toilet;

(iv) Eat; and

(v) Use speech, language, or other functional communication systems.

(b) A resident is given the appropriate treatment and services to maintain or improve the resident's abilities in activities of daily living specified in subsection (2)(a) of this section; and

(c) A resident who is unable to carry out activities of daily living receives the necessary services to maintain good nutrition, grooming, and personal and oral hygiene.

(3) The nursing home must ensure that the appropriate care and services are provided to the resident in the following areas, as applicable in accordance with the resident's individualized assessments and plan of care:

(a) Vision and hearing;

(b) Skin;

(c) Continence;

(d) Range of motion;

(e) Mental and psychosocial functioning and adjustment;

(f) Nasogastric and gastrostomy tubes;

(g) Accident prevention;

(h) Nutrition;

(i) Hydration;

(j) Special needs, including:

(i) Injections;

(ii) Parenteral and enteral fluids;

(iii) Colostomy, ureterostomy, or ileostomy care;

(iv) Tracheostomy care;

(v) Tracheal suction;

(vi) Respiratory care;

(vii) Dental care;

(viii) Foot care; and

(ix) Prostheses.

(k) Medications, including freedom from:

(i) Unnecessary drugs;

(ii) Nursing home error rate of five percent or greater; and

(iii) Significant medication errors.

(l) Self-administration of medication; and

(m) Independent living skills.

(4) The nursing home must ensure that each resident is monitored for desired responses and undesirable side effects of prescribed drugs.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1060, filed 9/24/08, effective 11/1/08.]

388-97-1080
Nursing services.

(1) The nursing home must ensure that a sufficient number of qualified nursing personnel are available on a twenty-four hour basis seven days per week to provide nursing and related services to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident as determined by resident assessments and individual plans of care.

(2) The nursing home must:

(a) Designate a registered nurse or licensed practical nurse to serve as charge nurse, who is accountable for nursing services on each tour of duty; and

(b) Have a full time director of nursing service who is a registered nurse.

(3) The nursing home must have:

(a) A registered nurse on duty directly supervising resident care a minimum of sixteen hours per day, seven days per week; and

(b) A registered nurse or licensed practical nurse on duty directly supervising resident care the remaining eight hours per day, seven days per week. **"Directly supervising"** means the supervising individual is on the premises and is quickly and easily available to provide necessary assessments and other direct care of residents; and oversight of supervised staff.

(4) The nursing home must ensure that staff respond to each resident's requests for assistance in a manner which promptly meets the quality of life and quality of care needs of all the residents.

(5) The director of nursing services is responsible for:

(a) Coordinating the plan of care for each resident;

(b) Ensuring that registered nurses and licensed practical nurses comply with chapter 18.79 RCW; and

(c) Ensuring that the nursing care provided is based on the nursing process in accordance with nationally recognized and accepted standards of professional nursing practice.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1080, filed 9/24/08, effective 11/1/08.]

388-97-1100
Dietary services.

The nursing home must:

(1) Provide each resident with a nourishing, palatable, well-balanced diet that meets their daily nutritional and special dietary needs.

(2) Serve food in an attractive manner and at temperatures safe and acceptable to each resident.

(3) Ensure that food service is in compliance with chapter 246-215 WAC.

(4) Retain dated menus, dated records of foods received, a record of the number of meals served, and standardized recipes for at least three months for department review as necessary.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1100, filed 9/24/08, effective 11/1/08.]

388-97-1120
Meal provision.

The nursing home must:

(1) Provide a minimum of three meals in each twenty-four period, at regular times similar to normal meal times in the community;

(2) Make fresh fruits and vegetables, in season, available to residents on a daily basis;

(3) Make reasonable efforts to:

(a) Accommodate individual mealtime preferences and portion sizes, as well as preferences for between meal and evening snacks when not medically contraindicated;

(b) Offer a late breakfast or an alternative to the regular breakfast for late risers; and

(c) Provide food consistent with the cultural and religious needs of the residents.

(4) Use input from residents and the resident council, if the nursing home has one, in meal planning, scheduling, and the meal selection process.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1120, filed 9/24/08, effective 11/1/08.]

388-97-1140
Individual dietary needs.

The nursing home must:

(1) Encourage residents to continue eating independently;

(2) Provide effective adaptive utensils as needed to promote independence;

(3) Allow sufficient time for eating in a relaxed manner;

(4) Provide individualized assistance as needed;

(5) Provide table service, for all residents capable of eating at a table, in a dining area/room, located outside of the resident's room; and

(6) Offer a substitute of similar nutritive value when a resident refuses food served.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1140, filed 9/24/08, effective 11/1/08.]

388-97-1160
Dietary personnel.

The nursing home must have sufficient support personnel capable of carrying out the functions of dietary services and must:

(1) Employ a qualified dietitian either full-time, part-time or on a consultant basis who must:

(a) Approve regular and therapeutic menus which meet the dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences;

(b) Prepare dated menus for general and modified diets at least three weeks in advance;

(c) Provide services which include:

(i) Nutrition assessment;

(ii) Liaison with medical and nursing staff, and administrator;

(iii) Inservice training; and

(iv) Guidance to the director of food service, and food service staff.

(2) If a qualified dietitian is not employed full-time as the food service manager the nursing home must employ a food service manager to serve as the director of food service.

(3) The food service manager means:

(a) An individual who is a qualified dietitian; or

(b) An individual:

(i) Who has completed a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American Dietetic Association/Dietary Manager Association; and

(ii) Receives regularly scheduled consultation from a qualified dietitian.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1160, filed 9/24/08, effective 11/1/08.]

388-97-1180
Dietary menus.

The nursing home must:

(1) Ensure that menus are followed;

(2) Post the current dated general menu, including substitutes, in the food service area and in a place accessible and conspicuous to residents and visitors, in print the residents can read; and

(3) Note any changes to the regular menu on the posted menu.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1180, filed 9/24/08, effective 11/1/08.]

388-97-1200

Dietary orders.

The nursing home must:

(1) Ensure that residents' diets are provided as prescribed by the physician. Diet modifications, for texture only, may be used as an interim measure when ordered by a registered nurse; and

(2) Provide supplementary fluid and nourishment in accordance with each resident's needs as determined by the assessment process.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1200, filed 9/24/08, effective 11/1/08.]

388-97-1220
Modified diets.

The nursing home must review a resident's modified diet to ensure that the food form and texture are consistent with the resident's current needs and functional level:

(1) At the request of the resident.

(2) When the resident's condition warrants.

(3) At the time of the plan of care review.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1220, filed 9/24/08, effective 11/1/08.]

388-97-1240
Tube feedings.

If the nursing home prepares tube feeding formula, or mixes additives to the prepared formula it must ensure that:

(1) Each resident's tube feedings are of uniform consistency and quality; and

(2) Tube feeding formulas are prepared, stored, distributed, and served in such a manner so as to maintain uniformity and to prevent contamination.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1240, filed 9/24/08, effective 11/1/08.]

388-97-1260
Physician services.

(1) The nursing home must ensure that the resident is seen by the physician whenever necessary.

(2) Except as specified in RCW 74.42.200, a physician must personally approve in writing a recommendation that an individual be admitted to a nursing home.

(3) The nursing home must ensure that:

(a) Except as specified in RCW 74.42.200, the medical care of each resident is supervised by a physician;

(b) Another physician supervises the medical care of residents when their attending physician is unavailable; and

(c) Physician services are provided twenty-four hours per day, in case of emergency.

(4) The physician must:

(a) Write, sign and date progress notes at each visit;

(b) Sign and date all orders; and

(c) In medicare and medicare/medicaid certified facilities, review the resident's total program of care, including medications and treatments, at each federally required visit.

(5) Except as specified in subsections (6), (7), and (9) of this section, a physician may delegate tasks to a physician's assistant or advanced registered nurse practitioner who is:

(a) Licensed by the state;

(b) Acting within the scope of practice as defined by state law; and

(c) Under the supervision of the physician.

(6) The physician may not delegate a task when the delegation is prohibited under state law or by the facility's own policies.

(7) If the resident's primary payor source is medicare, the physician may:

(a) Alternate federally required physician visits between personal visits by:

(i) The physician; and

(ii) An advanced registered nurse practitioner or physician's assistant; and

(b) Not delegate responsibility for the initial required physician visit. This initial visit must occur within the first thirty days of admission to the facility.

(8) If the resident's payor source is medicaid, the physician may delegate any federally required physician task, including tasks which the regulations specify must be performed personally by the physician, to a physician's assistant or advanced registered nurse practitioner who is not an employee of the facility but who is working in collaboration with a physician.

(9) If the resident's payor source is not medicare or medicaid:

(a) In the medicare only certified facility or in the medicare certified area of a medicare/medicaid facility, the physician may alternate federally required physician visits between personal visits by the physician and an advanced registered nurse practitioner or physician's assistant. The physician may not delegate responsibility for the initial required physician visit.

(b) In the medicaid only certified facility or in the medicaid certified area of a medicare/medicaid facility, the physician may delegate any federally required physician task, including tasks which the regulations specify must be performed personally by the physician, to a physician's assistant or advanced registered nurse practitioner who is not an employee of the facility but who is working in collaboration with a physician.

(10) The following table describes the physician visit requirements related to medicare or medicaid certified area and payor type.

	Beds in medicare only certified area	Beds in medicare/medicaid certified area	Beds in medicaid only certified area
Payor source:	Initial by	Initial by physician	N/A

	physician		
medicare	Physician may delegate alternate visits	Physician may delegate alternate visits	
Payor source:	N/A	Delegate all tasks	Delegate all tasks
medicaid		Nonemployee	Nonemployee
Payor source:	Initial by physician	Initial by physician	Delegate all tasks
Others: such as insurance, private pay, Veteran Affairs	Physician may delegate alternate visits	Physician may delegate alternate visits	Nonemployee

(11) The attending physician, or the physician-designated advanced registered nurse practitioner or physician's assistant must:

(a) Participate in the interdisciplinary plan of care process as described in WAC 388-97-1020;

(b) Provide to the resident, or where applicable the resident's surrogate decision maker, information so that the resident can make an informed consent to care or refusal of care (see WAC 388-97-0260); and

(c) Order resident self-medication when appropriate.

(12) The nursing home must obtain from the physician the following medical information before or at the time of the resident's admission:

(a) A summary or summaries of the resident's current health status, including history and physical findings reflecting a review of systems;

(b) Orders, as necessary for medications, treatments, diagnostic studies, specialized rehabilitative services, diet, and any restrictions related to physical mobility; and

(c) Plans for continuing care and discharge.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1260, filed 9/24/08, effective 11/1/08.]

388-97-1280
Specialized habilitative and rehabilitative services.

(1) If specialized habilitative and rehabilitative services such as, but not limited to, physical therapy, speech-language pathology, occupational therapy, and mental health rehabilitative services for mental illness and mental retardation, are required in the resident's comprehensive plan of care, the facility must:

(a) Provide the required services; or

(b) Obtain the required services from an outside provider of specialized rehabilitative services.

(2) As determined by the resident's individualized comprehensive plan of care, qualified therapists, as defined in RCW 74.46.020(40), will provide specialized habilitative or rehabilitative services under the written order of the physician. According to state law and at the qualified therapist's discretion, certain services may be delegated to and provided by support personnel under appropriate supervision.

(3) The nursing facility must:

(a) Ensure that residents who display mental or psychosocial adjustment difficulties receive appropriate treatment and services to correct the assessed problem; and

(b) Provide or arrange for the mental health or mental retardation services needed by residents that are of a lesser intensity than the specialized services defined at WAC 388-97-1960.

(4) The nursing home may provide specialized rehabilitative and habilitative services to outpatients on the facility premises, only if the nursing home continues to also meet the needs of current residents.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1280, filed 9/24/08, effective 11/1/08.]

388-97-1300
Pharmacy services.

(1) The nursing home must:

(a) Obtain routine and emergency drugs and biologicals for its residents under an agreement with a licensed pharmacy;

(b) Ensure that pharmaceutical services:

(i) Meet the needs of each resident;

(ii) Establish and monitor systems for the accurate acquiring, receiving, dispensing, and administering of all drugs and biologicals; and

(c) Employ or obtain the services of a licensed pharmacist who must:

(i) Provide consultation on all aspects of the provision of pharmacy services in the nursing home;

(ii) Determine that nursing home drug records are in order;

(iii) Perform regular reviews at least once each month of each resident's drug therapy; and

(iv) Document and report drug irregularities to the attending physician and the director of nursing.

(2) Drugs and biologicals used in the nursing home must be labeled and stored in accordance with applicable state and federal laws.

(3) The nursing home must provide pharmaceutical services that:

(a) Meet recognized and accepted standards of pharmacy practice; and

(b) Comply with chapter 246-865 WAC, except nursing home staff administering drugs to residents may document administration at the time of pouring the drug or immediately after administration.

(4) The nursing home must ensure:

(a) Education and training for nursing home staff by the licensed pharmacist on drug-related subjects including, but not limited to:

(i) Recognized and accepted standards of pharmacy practice and applicable pharmacy laws and rules;

(ii) Appropriate monitoring of residents to determine desired effect and undesirable side effects of drug regimens; and

(iii) Use of psychotropic drugs.

(b) Reference materials regarding medication administration, adverse reactions, toxicology, and poison center information are readily available;

(c) Pharmacist monthly drug review reports are acted on in a timely and effective manner;

(d) Accurate detection, documentation, reporting and resolution of drug errors and adverse drug reactions; and

(e) Only individuals authorized by state law to do so will receive drug orders and administer drugs;

(5) The resident has the right to a choice of pharmacies when purchasing prescription and nonprescription drugs as long as the following conditions are met to ensure the resident is protected from medication errors:

(a) The medications are delivered in a unit of use compatible with the established system of the facility for dispensing drugs; and

(b) The medications are delivered in a timely manner to prevent interruption of dose schedule.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1300, filed 9/24/08, effective 11/1/08.]

388-97-1320
Infection control.

(1) The nursing home must:

(a) Establish and maintain an effective infection control program designed to provide a safe, sanitary, and comfortable environment and to help prevent the development and transmission of disease and infection;

(b) Prohibit any employee with a communicable disease or infected skin lesion from direct contact with residents or their food, if direct contact could transmit the disease; and

(c) Require staff to wash their hands after each direct resident contact for which handwashing is indicated by accepted professional practice.

(2) Under the infection control program, the nursing home must:

(a) Investigate, control and prevent infections in the facility;

(b) Decide what procedures should be applied in individual circumstances; and

(c) Maintain a record of incidence of infection and corrective action taken.

(3) Nursing home personnel must handle, store, process, and transport linens so as to prevent the spread of infection.

(4) The nursing home must develop and implement effective methods for the safe storage, transport and disposal of garbage, refuse and infectious waste, consistent with all applicable local, state, and federal requirements for such disposal.

(5) The nursing home must provide areas, equipment, and supplies to implement an effective infection control program and ensure:

(a) Ready availability of hand cleaning supplies and appropriate drying equipment or material at each sink;

(b) Safe use of disposable and single service supplies and equipment;

(c) Effective procedures for cleaning, disinfecting or sterilizing according to equipment use;

(d) Chemicals and equipment used for cleaning, disinfecting, and sterilizing, including chemicals used to launder personal clothing, are used in accordance with manufacturer's directions and recommendations; and

(e) Safe and effective procedures for disinfecting:

(i) All bathing and therapy tubs between each resident use; and

(ii) Swimming pools, spas and hot tubs.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1320, filed 9/24/08, effective 11/1/08.]

388-97-1340
Influenza and pneumococcal immunizations.

(1) The nursing home shall provide residents access on-site or make available elsewhere, the ability to obtain the influenza virus immunization on an annual basis.

(2) Upon admission, the nursing home shall inform residents or the resident's representative, verbally and in writing, of the benefits of receiving the influenza virus immunization and the pneumococcal disease immunization.

(3) Nursing homes who rely exclusively upon treatment by nonmedical religious healing methods, including prayer, are exempt from the above rules.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1340, filed 9/24/08, effective 11/1/08.]

388-97-1360
Surveillance, management and early identification of individuals with active tuberculosis.

(1) The nursing home must develop and implement policies and procedures that comply with nationally recognized tuberculosis standards set by the Centers for Disease Control (CDC), and applicable state law. Such policies and procedures include, but are not limited to, the following:

(a) Evaluation of any resident or employee with symptoms suggestive of tuberculosis whether tuberculin skin test results were positive or negative;

(b) Identifying and following up residents and personnel with suspected or actual tuberculosis, in a timely manner; and

(c) Identifying and following up visitors and volunteers with symptoms suggestive of tuberculosis.

(2) The nursing home must comply with chapter 49.17 RCW, Washington Industrial Safety and Health Act (WISHA) requirements to protect the health and safety of employees.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1360, filed 9/24/08, effective 11/1/08.]

388-97-1380
Tuberculosis — Testing required.

(1) The nursing home must develop and implement a system to ensure that facility personnel

and residents have tuberculosis testing within three days of employment or admission.

(2) The nursing home must also ensure that facility personnel are tested annually.

(3) For the purposes of WAC 388-97-1360 through388-97-1580 **"person"** means facility personnel and residents.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1380, filed 9/24/08, effective 11/1/08.]

388-97-1400
Tuberculosis — Testing method — Required.

The nursing home must ensure that all tuberculosis testing is done through either:

(1) Intradermal (Mantoux) administration with test results read:

(a) Within forty-eight to seventy-two hours of the test; and

(b) By a trained professional; or

(2) A blood test for tuberculosis called interferon-gamma release assay (IGRA).

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-1400, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1400, filed 9/24/08, effective 11/1/08.]

388-97-1440
Tuberculosis — No testing.

The nursing home is not required to have a person tested for tuberculosis if the person has:

(1) A documented history of a previous positive skin test results;

(2) A documented history of a previous positive blood test; or

(3) Documented evidence of:

(a) Adequate therapy for active disease; or

(b) Completion of treatment for latent tuberculosis infection preventive therapy.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-1440, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1440, filed 9/24/08, effective 11/1/08.]

388-97-1460
Tuberculosis — One test.

The nursing home is only required to have a person take one test if the person has any of the following:

(1) A documented history of a negative result from a previous two step test done no more than one to three weeks apart; or

(2) A documented negative result from one skin or blood test in the previous twelve months.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-1460, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1460, filed 9/24/08, effective 11/1/08.]

388-97-1480
Tuberculosis — Two-step skin testing.

Unless the person meets the requirement for having no skin testing or only one test, the nursing home, choosing to do skin testing, must ensure that each person has the following two-step skin testing:

(1) An initial skin test within three days of employment; and

(2) A second test done one to three weeks after the first test.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-1480, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

08-20-062, § 388-97-1480, filed 9/24/08, effective 11/1/08.]

388-97-1500
Tuberculosis — Positive test result.

When there is a positive result to tuberculosis skin or blood testing the nursing home must:

(1) Ensure that the person has a chest X ray within seven days;

(2) Evaluate each resident or person with a positive test result for signs and symptoms of tuberculosis; and

(3) Follow the recommendation of the person's health care provider.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-1500, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1500, filed 9/24/08, effective 11/1/08.]

388-97-1520
Tuberculosis — Negative test result.

The nursing home may be required by the public health provider or licensing authority to ensure that persons with negative test results have follow-up testing in certain circumstances, such as:

(1) After exposure to active tuberculosis;

(2) When tuberculosis symptoms are present; or

(3) For periodic testing as determined by the health provider.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-1520, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1520, filed 9/24/08, effective 11/1/08.]

388-97-1540
Tuberculosis — Declining a skin test.

The nursing home must ensure that a person take the blood test for tuberculosis if they decline the skin test.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-1540, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1540, filed 9/24/08, effective 11/1/08.]

388-97-1560
Tuberculosis — Reporting — Required.

The nursing home must:

(1) Report any person with tuberculosis symptoms or a positive chest X ray to the appropriate health care provider or public health provider;

(2) Follow the infection control and safety measures ordered by the person's health care provider, including a public health provider;

(3) Institute appropriate measures for the control of the transmission of droplet nuclei;

(4) Apply living or work restrictions where residents or personnel are, or may be, infectious and pose a risk to other residents and personnel; and

(5) Ensure that personnel caring for a resident with suspected tuberculosis comply with the WISHA standard for respiratory protection found in chapter 296-842 WAC.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-1560, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1560, filed 9/24/08, effective 11/1/08.]

388-97-1580
Tuberculosis — Test records.

The nursing home must:

(1) Keep the records of tuberculin test results, reports of X-ray findings, and any physician or public health provider orders in the nursing home;

(2) Make the records readily available to the appropriate health authority and licensing agency;

(3) Retain the records for eighteen months beyond the date of employment termination; and

(4) Provide the person a copy of his/her test results.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-1580, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1580, filed 9/24/08, effective 11/1/08.]

388-97-1600
Care of residents with active tuberculosis.

(1) When the nursing home accepts the care of a resident with suspected or confirmed tuberculosis, the nursing home must:

(a) Coordinate the resident's admission, nursing home care, discharge planning, and discharge with the health care provider;

(b) Provide necessary education about tuberculosis for staff, visitors, and residents; and

(c) Ensure that personnel caring for a resident with active tuberculosis comply with the WISHA standards for respiratory protection, chapter 296-842 WAC.

(2) For a resident who requires respiratory isolation for tuberculosis, the nursing home must:

(a) Provide a private or semiprivate isolation room:

(i) In accordance with WAC 388-97-2480;

(ii) In which, construction review of the department of health determines that room air is maintained under negative pressure; and appropriately exhausted, either directly to the outside away from intake vents or through properly designed, installed, and maintained high efficiency particulate air (HEPA) filters, or other measures deemed appropriate to protect others in the facility;

(iii) However, when a semiprivate isolation room is used, only residents requiring respiratory isolation for confirmed or suspected tuberculosis are placed together.

(b) Provide supplemental environment approaches, such as ultraviolet lights, where deemed to be necessary;

(c) Provide appropriate protective equipment for staff and visitors; and

(d) Have measures in place for the decontamination of equipment and other items used by the resident.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-1600, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1600, filed 9/24/08, effective 11/1/08.]

388-97-1620
General administration.

(1) The nursing home must be administered in a manner that enables it to use its resources effectively and efficiently to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident.

(2) The nursing home must:

(a) Be licensed under chapter 18.51 RCW;

(b) Operate and provide services in compliance with:

(i) All applicable federal, state and local laws, regulations, and codes;

(ii) Accepted professional standards and principles that apply to professionals providing services in nursing homes; and

(c) Have a governing body or designated individuals functioning as a governing body, that is legally responsible for establishing and implementing policies regarding the management and operation of the nursing home.

(3) The governing body of the nursing home must appoint the administrator who:

(a) Is licensed by the state;

(b) Is responsible for management of the nursing home;

(c) Keeps the licensee informed of all surveys and notices of noncompliance;

(d) Complies with all requirements of chapter 18.52 RCW, and all regulations adopted under that chapter;

(e) Is an on-site, full-time individual in active administrative charge at the premises of only one nursing home, a minimum of four days and an average of forty hours per week. Exception: On-site, full-time administrator with small resident populations or in rural areas will be defined as an individual in active administrative charge at the premises of only one nursing home:

(i) A minimum of four days and an average of twenty hours per week at facilities with one to thirty beds; or

(ii) A minimum of four days and an average of thirty hours per week at facilities with thirty-one to forty-nine beds.

(4) Nursing homes temporarily without an administrator may operate up to four continuous weeks under a responsible individual authorized to act as nursing home administrator designee.

(a) The designee must be qualified by experience to assume designated duties; and

(b) The nursing home must have a written agreement with a nursing home administrator, licensed in the state of Washington, who must be readily available to consult with the designee.

(c) The nursing home may make a written request to the department's designated aging and disability services administration field office for an extension of the four weeks by stating why an extension is needed, how a resident's safety or well-being is maintained during an extension and giving the estimated date by which a full-time, qualified nursing home administrator will be on-site.

(5) The nursing home must employ on a full-time, part time or consultant basis those professionals necessary to carry out the requirements of this chapter.

(6) If the nursing home does not employ a qualified professional individual to furnish a specific service to be provided by the nursing home, the nursing home must:

(a) Have that service furnished to residents by an individual or agency outside the nursing home under a written arrangement or agreement; and

(b) Ensure the arrangement or agreement referred to in (a) of this subsection specifies in writing that the nursing home assumes responsibility for:

(i) Obtaining services that meet professional standards and principles that apply to professionals providing services in nursing homes; and

(ii) The timeliness of services.

(7) The nursing home must:

(a) Report to the local law enforcement agency and the department any individual threatening bodily harm or causing a disturbance which threatens any individual's welfare and safety;

(b) Identify, investigate, and report incidents involving residents, according to department established nursing home guidelines; and

(c) Comply with "whistle blower" rules as defined in chapter 74.34 RCW.

(8) The department will:

(a) Investigate complaints, made to the department according to established protocols including protocols described in RCW 74.39A.060;

(b) Take action against a nursing home that is found to have used retaliatory treatment toward a resident or employee who has voiced grievances to nursing home staff or administration, or lodged a good faith complaint with the department; and

(c) Report to local law enforcement:

(i) Any mandated reporter that knowingly fails to report in accordance with WAC 388-97-0640; and

(ii) Any person that intentionally, maliciously or in bad faith makes a false report of alleged abandonment, abuse, financial exploitation, or neglect of a vulnerable adult.

(9) Refer also to WAC 388-97-1840, Retaliation.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1620, filed 9/24/08, effective 11/1/08.]

388-97-1640
Required notification and reporting.

(1) The nursing home must immediately notify the department's aging and disability services administration of:

(a) Any allegations of resident abandonment, abuse, or neglect, including substantial

injuries of an unknown source, financial exploitation and misappropriation of a resident's property;

(b) Any unusual event, having an actual or potential negative impact on residents, requiring the actual or potential implementation of the nursing home's disaster plan. These unusual events include but are not limited to those listed under WAC 388-97-1740 (1)(a) through (k), and could include the evacuation of all or part of the residents to another area of the nursing home or to another address; and

(c) Circumstances which threaten the nursing home's ability to ensure continuation of services to residents.

(2) Mandated reporters must notify the department and law enforcement as directed in WAC 388-97-0640, and according to department established nursing home guidelines.

(3) The nursing home must notify the department's aging and disability services administration of:

(a) Physical plant changes, including but not limited to:

(i) New construction;

(ii) Proposed resident area or room use change;

(iii) Resident room number changes; and

(iv) Proposed bed banking.

(b) Mechanical failure of equipment important to the everyday functioning of the nursing home, which cannot be repaired within a reasonable time frame, such as an elevator; and

(c) An actual or proposed change of ownership (CHOW).

(4) The nursing home must notify, in writing, the department's aging and disability services administration and each resident, of a loss of, or change in, the nursing home's administrator or director of nursing services at the time the loss or change occurs.

(5) The nursing home licensee must notify the department's aging and disability services administration in writing of any change in the name of the licensee, or of the nursing home, at the time the change occurs.

(6) If a licensee operates in a building it does not own, the licensee must immediately notify the department of the occurrence of any event of default under the terms of the lease, or if it receives verbal or written notice that the lease agreement will be terminated, or that the lease agreement will not be renewed.

(7) The nursing home must report any case or suspected case of a reportable disease to the appropriate department of health officer and must also notify the appropriate department(s) of other health and safety issues, according to state and local laws.

(8) The nursing home licensee must notify the department in writing of a nursing home's voluntary closure.

(a) The licensee must send this written notification sixty days before closure to the department's designated local aging and adult administration office and to all residents and resident representatives.

(b) Relocation of residents and any required notice to the Centers for Medicare and Medicaid Services and the public must be in accordance with WAC 388-97-4320(2).

(9) The nursing home licensee must notify the department in writing of voluntary termination of its medicare or medicaid contract.

(a) The licensee must send this written notification sixty days before contract termination, to the department's designated local aging and disability services administration office and to all residents and resident representatives.

(b) If the contractor continues to provide nursing facility services, the contract termination will be subject to federal law prohibiting the discharge of residents who are residing in the facility on the day before the effective date of the contract termination.

(10) The nursing home licensee must notify the Centers for Medicare and Medicaid Services of voluntary termination of its medicare provider agreement in accordance with the requirements of 42 C.F.R. 489.52 or successor regulations.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1640, filed 9/24/08, effective 11/1/08.]

388-97-1660
Staff and equipment.

(1) The nursing home must ensure that:

(a) Sufficient numbers of appropriately qualified and trained staff are available to provide necessary care and services safely under routine conditions, as well as fire, emergency, and disaster situations;

(b) Adequate equipment, supplies and space are available to carry out all functions and

responsibilities of the nursing home;

(c) All staff, including management, provide care and services consistent with:

(i) Empowering each resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being, self-care and independence;

(ii) Respecting resident rights; and

(iii) Enhancing each resident's quality of life.

(2) The nursing home must ensure that any employee giving direct resident care, excluding professionally licensed nursing staff:

(a) Has successfully completed or is a student in a DSHS-approved nursing assistant training program; and

(b) Meets other requirements applicable to individuals performing nursing related duties in a nursing home, including those which apply to minors.

(3) The nursing home must ensure:

(a) Students in an DSHS-approved nursing assistant training program:

(i) Complete training and competency evaluation within four months of beginning work as a nursing assistant;

(ii) Complete at least sixteen hours of training in communication and interpersonal skills, infection control, safety/emergency procedures including the Heimlich maneuver, promoting residents' independence, and respecting residents' rights before any direct contact with a resident; and

(iii) Wear name tags which clearly identify student or trainee status at all times in all interactions with residents and visitors in all nursing homes, including the nursing homes in which the student completes clinical training requirements and in which the student is employed.

(b) Residents and visitors have sufficient information to distinguish between the varying qualifications of nursing assistants; and

(c) Each employee hired as a nursing assistant applies for registration with the department of health within three days of employment in accordance with chapter 18.88A RCW.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1660, filed

9/24/08, effective 11/1/08.]

388-97-1680
Staff development.

(1) The nursing home must have a staff development program that is under the direction of a designated registered nurse or licensed practical nurse.

(2) The nursing home must:

(a) Ensure each employee receives initial orientation to the facility and its policies and is initially assigned only to duties for which the employee has demonstrated competence;

(b) Ensure all employees receive appropriate inservice education to maintain a level of knowledge appropriate to, and demonstrated competence in, the performance of ongoing job duties consistent with the principle of assisting the resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being. To this end, the nursing home must:

(i) Assess the specific training needs of each employee and address those needs; and

(ii) Determine the special needs of the nursing home's resident population which may require training emphasis.

(c) Comply with other applicable training requirements, such as, but not limited to, the bloodborne pathogen standard.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1680, filed 9/24/08, effective 11/1/08.]

388-97-1700
Medical director.

(1) The nursing home must designate a physician to serve as medical director.

(2) The medical director is responsible for:

(a) Implementation of resident care policies; and

(b) The coordination of medical care in the facility.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1700, filed 9/24/08, effective 11/1/08.]

388-97-1720
Clinical records.

(1) The nursing home must:

(a) Maintain clinical records on each resident in accordance with accepted professional standards and practices that are:

(i) Complete;

(ii) Accurately documented;

(iii) Readily accessible; and

(iv) Systematically organized.

(b) Safeguard clinical record information against alteration, loss, destruction, and unauthorized use; and

(c) Keep confidential all information contained in the resident's records, regardless of the form or storage method of the records, except when release is required by:

(i) Transfer to another health care institution;

(ii) Law;

(iii) Third party payment contract; or

(iv) The resident.

(2) The nursing home must ensure the clinical record of each resident includes at least the following:

(a) Resident identification and sociological data, including the name and address of the individual or individuals the resident designates as significant;

(b) Medical information required under WAC 388-97-1260;

(c) Physician's orders;

(d) Assessments;

(e) Plans of care;

(f) Services provided;

(g) In the case of the medicaid-certified nursing facility, records related to preadmission screening and resident review;

(h) Progress notes;

(i) Medications administered;

(j) Consents, authorizations, releases;

(k) Allergic responses;

(l) Laboratory, X ray, and other findings; and

(m) Other records as appropriate.

(3) The nursing home must:

(a) Designate an individual responsible for the record system who:

(i) Has appropriate training and experience in clinical record management; or

(ii) Receives consultation from a qualified clinical record practitioner, such as a registered health information administrator or registered health information technician.

(b) Make all records available to authorized representatives of the department for review and duplication as necessary; and

(c) Maintain the following:

(i) A master resident index having a reference for each resident including the health record number, if applicable; full name; date of birth; admission dates; and discharge dates; and

(ii) A chronological census register, including all admissions, discharge, deaths and transfers, and noting the receiving facility. The nursing home must ensure the register includes discharges for social leave and transfers to other treatment facilities in excess of twenty-four hours.

(4) The nursing home must ensure the clinical record of each resident:

(a) Is documented and authenticated accurately, promptly and legibly by individuals giving the order, making the observation, performing the examination, assessment, treatment or providing the care and services. **"Authenticated"** means the authorization of a written entry in a record by signature, including the first initial and last name and title, or a unique identifier allowing identification of the responsible individual; and:

(i) Documents from other health care facilities that are clearly identified as being authenticated at that facility will be considered authenticated at the receiving facility; and

(ii) The original or a durable, legible, direct copy of each document will be accepted.

(b) Contains appropriate information for a deceased resident including:

(i) The time and date of death;

(ii) Apparent cause of death;

(iii) Notification of the physician and appropriate resident representative; and

(iv) The disposition of the body and personal effects.

(5) In cases where the nursing home maintains records by computer rather than hard copy, the nursing home must:

(a) Have in place safeguards to prevent unauthorized access; and

(b) Provide for reconstruction of information.

(6) The nursing home licensee must:

(a) Retain health records for the time period required in RCW 18.51.300:

(i) For a period of no less than eight years following the most recent discharge of the resident; except

(ii) That the records of minors must be retained for no less than three years following the attainment of age eighteen years, or ten years following their most recent discharge, whichever is longer.

(b) In the event of a change of ownership, provide for the orderly transfer of clinical records to the new licensee;

(c) In the event a nursing home ceases operation, make arrangements prior to cessation,

as approved by the department, for preservation of the clinical records. The nursing home licensee must provide a plan for preservation of clinical records to the department's designated local aging and disability services administration office no later than seven days after the date of notice of nursing home closure as required by WAC 388-97-1640 (8) and (9) unless an alternate date has been approved by the department; and

(d) Provide a resident access to all records pertaining to the resident as required under WAC 388-97-0300(2).

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1720, filed 9/24/08, effective 11/1/08.]

388-97-1740
Disaster and emergency preparedness.

(1) The nursing home must develop and implement detailed written plans and procedures to meet potential emergencies and disasters. At a minimum the nursing home must ensure these plans provide for:

(a) Fire or smoke;

(b) Severe weather;

(c) Loss of power;

(d) Earthquake;

(e) Explosion;

(f) Missing resident, elopement;

(g) Loss of normal water supply;

(h) Bomb threats;

(i) Armed individuals;

(j) Gas leak, or loss of service; and

(k) Loss of heat supply.

(2) The nursing home must train all employees in emergency procedures when they begin

work in the nursing home, periodically review emergency procedures with existing staff, and carry out unannounced staff drills using those procedures.

(3) The nursing home must ensure emergency plans:

(a) Are developed and maintained with the assistance of qualified fire, safety, and other appropriate experts as necessary;

(b) Are reviewed annually; and

(c) Include evacuation routes prominently posted on each unit.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1740, filed 9/24/08, effective 11/1/08.]

388-97-1760
Quality assessment and assurance.

(1) The nursing home must maintain a process for quality assessment and assurance. The department may not require disclosure of the records of the quality assessment and assurance committee except in so far as such disclosure is related to ensuring compliance with the requirements of this section.

(2) The nursing home must ensure the quality assessment and assurance process:

(a) Seeks out and incorporates input from the resident and family councils, if any, or individual residents and support groups; and

(b) Reviews expressed concerns and grievances.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1760, filed 9/24/08, effective 11/1/08.]

388-97-1780
Policies and procedures.

(1) The nursing home must develop and implement written policies and procedures, including

those specified in RCW 74.42.430, for all services provided in the facility.

(2) The nursing home must ensure the written policies and procedures:

(a) Promote and protect each resident's:

(i) Rights, including health care decision making;

(ii) Personal interests; and

(iii) Financial and property interests.

(b) Are readily available to staff, residents, members of residents' families, the public, and representatives of the department;

(c) Are current, and continued without interruption in the event of staff changes; and

(d) Are consistent with other state and federal laws applicable to nursing home operations.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1780, filed 9/24/08, effective 11/1/08.]

388-97-1800
Criminal history disclosure and background inquiries.

(1) As used in this section, the term "nursing home" includes a nursing facility and a skilled nursing facility.

(2) The nursing home must:

(a) Have a valid criminal history background check for any individual employed, directly or by contract, or any individual accepted as a volunteer or student who may have unsupervised access to any resident; and

(b) Repeat the check every two years.

(3) A nursing home licensed under chapter 18.51 RCW must make a background inquiry request to one of the following:

(a) The Washington state patrol;

(b) The department;

(c) The most recent employer licensed under chapters 18.51, 18.20, and 70.128 RCW provided termination of that employment was within twelve months of the current employment application and provided the inquiry was completed by the department or the Washington state patrol within the two years of the current date of application; or

(d) A nurse pool agency licensed under chapter 18.52C RCW, or hereafter renamed, provided the background inquiry was completed by the Washington state patrol within two years before the current date of employment in the nursing home.

(4) A nursing home may not rely on a criminal background inquiry from a former employer, including a nursing pool, if the nursing home knows or has reason to know that the individual applying for the job has, or may have, a disqualifying conviction or finding.

(5) Nursing homes must:

(a) Request a background inquiry of any individual employed, directly or by agreement or contract, or accepted as a volunteer or student; and

(b) Notify appropriate licensing or certification agency of any individual resigning or terminated as a result of a criminal conviction or a civil adjudication proceeding.

(6) Before a nursing home employs any individual, directly or by contract, or accepts any individual as a volunteer or student, a nursing home must:

(a) Inform the individual that the nursing home must make a background inquiry and require the individual to sign a disclosure statement, under penalty or perjury and in accordance with RCW 43.43.834;

(b) Inform the individual that he or she may request a copy of the results of the completed background inquiry described in this section; and

(c) Require the individual to sign a statement authorizing the nursing home, the department, and the Washington state patrol to make a background inquiry; and

(d) Verbally inform the individual of the background inquiry results within seventy-two hours of receipt.

(7) The nursing home must establish procedures ensuring that:

(a) The individual is verbally informed of the background inquiry results within seventy-two hours of receipt;

(b) All disclosure statements and background inquiry responses and all copies are maintained in a confidential and secure manner;

(c) Disclosure statements and background inquiry responses are used for employment purposes only;

(d) Disclosure statements and background inquiry responses are not disclosed to any individual except:

(i) The individual about whom the nursing home made the disclosure or background inquiry;

(ii) Authorized state employees including the department's licensure and certification staff, resident protection program staff and background inquiry unit staff;

(iii) Authorized federal employees including those from the Department of Health and Human Services, Centers for Medicare and Medicaid Services;

(iv) The Washington state patrol auditor; and

(v) Potential employers licensed under chapters 18.51, 18.20, and 70.128 RCW who are making a request as provided for under subsection (1) of this section.

(e) A record of findings be retained by the nursing home for twelve months beyond the date of employment termination.

(8) The nursing home must not employ individuals who are disqualified under the requirements of WAC 388-97-1820.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-1800, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1800, filed 9/24/08, effective 11/1/08.]

388-97-1820
Disqualification from nursing home employment.

(1) The nursing home must not employ directly or by contract, or accept as a volunteer or student, any individual:

(a) Who has been found to have abused, neglected, exploited or abandoned a minor or vulnerable adult by a court of law, by a disciplining authority, including the state department of health;

(b) With a finding of abuse or neglect of a child that is:

(i) Listed on the department's background check central unit (BCCU) report; or

(ii) Disclosed by the individual, except for findings made before December, 1998.

(c) With a finding of abandonment, abuse, neglect, or financial exploitation of a vulnerable adult that is:

(i) Listed on any registry, including the department registry;

(ii) Listed on the department's background check central unit (BCCU) report; or

(iii) Disclosed by the individual, except for adult protective services findings made before October, 2003.

(2) Except as provided in this section, the nursing home must not employ directly or by contract, or accept as a volunteer or student, any individual who may have unsupervised access to residents if the individual:

(a) Has been convicted of a "crime against children and other persons" as defined in RCW 43.43.830, unless the individual has been convicted of one of the two crimes listed below and the required number of years has passed between the most recent conviction and the date of the application for employment:

(i) Simple assault, assault in the fourth degree, or the same offense as it may hereafter be renamed, and three or more years have passed; or

(ii) Prostitution, or the same offense as it may hereafter be renamed, and three or more years have passed.

(b) Has been convicted of crimes relating to financial exploitation as defined in RCW 43.43.830, unless the individual has been convicted of one of the three crimes listed below and the required number of years has passed between the most recent conviction and the date of the application for employment:

(i) Theft in the second degree, or the same offense as it may hereafter be renamed, and five or more years have passed;

(ii) Theft in the third degree, or the same offense as it may hereafter be renamed, and three or more years have passed; or

(iii) Forgery, or the same offense as forgery may hereafter be renamed, and five or more years have passed.

(c) Has been convicted of:

(i) Violation of the imitation controlled substances act (VICSA);

(ii) Violation of the uniform controlled substances act (VUCSA);

(iii) Violation of the uniform legend drug act (VULDA); or

(iv) Violation of the uniform precursor drug act (VUPDA).

(d) Has been convicted of sending or bringing into the state depictions of a minor engaged in sexually explicit conduct.

(e) Has been convicted of criminal mistreatment.

(f) Has been convicted in another state of a crime that is equivalent to a crime listed in subsection (2)(a) through (e) of this section.

(3) The term **"vulnerable adult"** is defined in RCW 74.34.020; the term **"unsupervised access"** is defined in RCW 43.43.830.

(4) In addition to chapters 18.51 and 74.42 RCW, these rules are authorized by RCW 43.20A.710, 43.43.830 through43.43.842 and 74.39A.050(8).

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-1820, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1820, filed 9/24/08, effective 11/1/08.]

388-97-1840
Retaliation or discrimination prohibited.

(1) The licensee or the nursing home must not discriminate or retaliate in any manner against a resident or employee in its nursing home who has initiated or participated in any action or proceeding authorized under nursing home licensing law. Examples of such participation include, but are not limited to the following:

(a) The resident, or someone acting on behalf of the resident, or the employee:

(i) Made a complaint, including a whistle blower complaint, to the department, the department of health, the long-term care ombudsman, attorney general's office, the courts or law enforcement;

(ii) Provided information to the department, the department of health, the long-term care ombudsman, attorney general's office, the courts or law enforcement; or

(iii) Testified in a proceeding related to the nursing home or its staff.

(2) For purposes of this chapter, **"retaliation"** or **"discrimination"** against a resident means an act including, but not limited to:

(a) Verbal or physical harassment or abuse;

(b) Any attempt to expel the resident from the facility;

(c) Nonmedically indicated social, dietary, or mobility restriction(s);

(d) Lessening of the level of care when not medically appropriate;

(e) Nonvoluntary relocation within a nursing home without appropriate medical, psychosocial, or nursing justification;

(f) Neglect or negligent treatment;

(g) Withholding privileges;

(h) Monitoring resident's phone, mail or visits without resident's permission;

(i) Withholding or threatening to withhold food or treatment unless authorized by terminally ill resident or the resident's representative;

(j) Persistently delaying responses to resident's request for services of assistance; or

(k) Infringement on a resident's rights described in chapter 74.42 RCW, RCW 74.39A.060(7), WAC 388-97-0180, and also, for medicaid and medicare certified nursing facilities, in federal laws and regulations.

(3) For purposes of this chapter, **"retaliation"** or **"discrimination"** against an employee means an act including, but not limited to:

(a) Harassment;

(b) Unwarranted firing;

(c) Unwarranted demotion;

(d) Unjustified disciplinary action;

(e) Denial of adequate staff to perform duties;

(f) Frequent staff changes;

(g) Frequent and undesirable office changes;

(h) Refusal to assign meaningful work;

(i) Unwarranted and unsubstantiated report of misconduct under Title 18 RCW;

(j) Unsubstantiated letters of reprimand;

(k) Unsubstantiated unsatisfactory performance evaluations;

(l) Denial of employment;

(m) A supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistle blower; or

(n) Workplace reprisal or retaliatory action as defined in RCW 74.34.180 (3)(b).

(4) For purposes of this chapter, a **"whistle blower"** is defined in WAC 388-97-0001.

(5) If, within one year of the complaint by or on behalf of a resident, the resident is involuntarily discharged from the nursing home, or is subjected to any type of discriminatory treatment, there will be a presumption that the action was in retaliation for the filing of the complaint. Under these circumstances, the nursing home will have the burden of establishing that the action was not retaliatory, in accordance with RCW 18.51.220 and 74.34.180(2).

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1840, filed 9/24/08, effective 11/1/08.]

388-97-1860
Laundry services.

(1) The nursing home must meet the requirements of WAC 388-97-2780, and:

(a) Launder nursing home linens on the premises; or

(b) Contract with a laundry service capable of meeting quality standards, infection control, and turn-around time requirements; and

(c) Make provision for laundering of residents' personal clothing.

(2) For residents' personal clothing, the nursing home:

(a) Must have a system in place to ensure that personal clothing is not damaged or lost

during handling and laundering; and

(b) May use a chemical disinfectant in lieu of hot water disinfection provided that the nursing home:

(i) Uses the product according to the manufacturer's instructions; and

(ii) Has readily available, current documentation from the manufacturer that supports the claim that the product is effective as a laundry disinfectant and such documentation is based on scientific studies or other rational data. "Disinfectant" means a germicide that inactivates virtually all recognized pathogenic microorganisms (but not necessarily all microbial forms, such as bacterial spores) on inanimate objects.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1860, filed 9/24/08, effective 11/1/08.]

388-97-1880
Short-term care, including respite services and adult day or night care.

(1) The nursing home may provide short-term care to individuals which include:

(a) Respite services to provide relief care for families or other caregivers of individuals with disabilities which must:

(i) Provide short-term care and supervision in substitution for the caregiver;

(ii) Be for short-term stays up to a maximum of thirty-one days; and

(iii) Not be used as a short-term placement pending the individual's admission to the nursing home.

(b) Adult day or night care to provide short-term nursing home care:

(i) Not to exceed sixteen hours each day; and

(ii) May be on a regular or intermittent basis.

(2) The nursing home providing respite services, and adult day or night care must:

(a) Develop and implement policies and procedures consistent with this section;

(b) Ensure that individuals receiving short-term services under respite or adult day or night

care are treated and cared for in accordance with the rights and choices of long-term residents, except for transfer and discharge rights which are provided under the program for short-term services which covers the individual in the nursing home;

(c) Have appropriate and adequate staff, space, and equipment to meet the individual's needs without jeopardy to the care of regular residents;

(d) Before or at the time of admission, obtain sufficient information to meet the individual's anticipated needs. At a minimum, such information must include:

(i) The name, address, and telephone number of the individual's attending physician, and alternate physician if any;

(ii) Medical and social history, which may be obtained from a respite care assessment and service plan performed by a case manager designated by an area agency on aging under contract with the department, and mental and physical assessment data; and

(iii) Physician's orders for diet, medication and routine care consistent with the individual's status on admission.

(e) Ensure the individuals have assessments performed, where needed, and where the assessment of the individual reveals symptoms of tuberculosis, follow tuberculosis testing requirements under WAC 388-97-1360 through 388-97-1580;

(f) With the participation of the individual and, where appropriate, their representative, develop a plan of care to maintain or improve their health and functional status during their stay or care in the nursing home;

(g) Provide for the individual to:

(i) Bring medications from home in accordance with nursing home policy; and

(ii) Self-medicate where determined safe.

(h) Promptly report injury, illness, or other adverse change in health condition to the attending physician; and

(i) Inquire as to the need for and comply with any request of the individual, or where appropriate, the individual's representative, to secure cash and other valuables brought to the nursing home during the stay/care.

(3) The nursing home may, in lieu of opening a new record, reopen the individual's clinical record with each period of stay or care up to one year from the previous stay or care, provided the nursing home reviews and updates the recorded information.

(4) Medicaid certified nursing facilities must complete the state-approved resident

assessment instrument, within fourteen days, for any individual whose respite stay exceeds fourteen days.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1880, filed 9/24/08, effective 11/1/08.]

388-97-1900
Dialysis services.

(1) The nursing home must ensure that appropriate care, treatment, and services are provided to each nursing home resident who receives dialysis in the nursing home.

(2) For the purposes of this section the following definitions apply:

(a) "Dialysis" means the process of separating crystalloids and colloids in solution by means of the crystalloids and colloids unequal diffusion through a natural or artificial semipermeable membrane. This includes both peritoneal and hemodialysis.

(b) A "kidney center" means a facility as defined and certified by the federal government to provide end stage renal (ESRD) services.

(3) The nursing home must not administer dialysis for a resident with acute renal failure in the nursing home.

(4) A nursing home may only administer maintenance dialysis in the nursing home after:

(a) Other options have been analyzed and rejected, based on the resident's best interest; and

(b) A decision is made jointly by a team of individuals representing the kidney center and the nursing home, the resident, and the resident's nephrologist.

(5) The nursing home must ensure that a current written agreement is in effect with each kidney center responsible for the management and care of each nursing home resident undergoing dialysis. The agreement must include all aspects of how the resident's care is to be managed including:

(a) Medical and nonmedical emergencies;

(b) Development and implementation of the resident's care plan related to dialysis issues;

(c) Interchange of information useful/necessary for the care of the resident; and

(d) The responsibility for waste handling, sterilization, and disinfection of equipment for dialysis done in the nursing home.

(6) The nursing home must ensure implementation of policies and procedures developed with the kidney center that:

(a) Meet current standards of practice;

(b) Addresses both dialysis provided by or in the nursing home as well as dialysis provided by the kidney center; and

(c) Addresses all of the nursing home responsibilities related to a resident on dialysis.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-1900, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1900, filed 9/24/08, effective 11/1/08.]

388-97-1920
Preadmission screening — Level I.

(1) Preadmission screening (PAS) is a process by which individuals are evaluated:

(a) For the presence of a serious mental illness or a developmental disability, before admission to the nursing facility;

(b) For nursing facility level of care; and

(c) If the individual does have either a serious mental illness or a developmental disability, to determine whether there is a need for specialized services, or services of a lesser intensity.

(2) The referring hospital, physician, or other referral source must:

(a) Perform the identification screen using a standardized department-specified Level I screening form for all individuals seeking admission to a nursing facility unless they:

(i) Are being readmitted to the nursing facility from the hospital; or

(ii) Are being transferred from one nursing facility to another, with or without an intervening hospital stay.

(b) Identify whether the individual may have a serious mental illness or a developmental disability as defined under 42 C.F.R. § 483.102, or successor laws; and

(c) Refer all individuals identified as likely to have a serious mental illness or a developmental disability to the department for a nursing facility level of care assessment and a Level II screening.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1920, filed 9/24/08, effective 11/1/08.]

388-97-1940
Advanced categorical determinations, not subject to preadmission screening — Level II.

Individuals identified as having symptoms of mental illness or a developmental disability and meeting any of the advanced categorical determinations do not need to be referred for a Level II screening. The determinations include that the individual:

(1) Is admitted to the nursing facility for respite care as defined under WAC 388-97-1880, or convalescent care, following treatment in an acute care hospital, not to exceed thirty days;

(2) Cannot accurately be diagnosed because of delirium. NOTE: The individual would be subject to a Level II screening when the delirium cleared;

(3) Has been certified by a physician to be terminally ill as defined under section 1861 (dd) (3)(A) of the Social Security Act;

(4) Has been diagnosed with a severe physical illness such as coma, ventilator dependence, and is functioning at a brain stem level;

(5) Has a severe level of impairment from diagnoses such as:

(a) Chronic obstructive pulmonary disease;

(b) Parkinson's disease;

(c) Huntington's chorea;

(d) Amyotrophic lateral sclerosis;

(e) Congestive heart failure; or

(6) Has a primary diagnosis of dementia, including Alzheimer's disease or a related disorder. NOTE: There must be evidence to support this determination.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1940, filed 9/24/08, effective 11/1/08.]

388-97-1960
Preadmission screening — Level II.

(1) For individuals likely to have a serious mental illness or developmental disability, the department must determine their need for nursing facility level of care. If they meet the nursing facility level of care, the department refers them to the department's designee, either the mental health PASRR contractor or the division of developmental disabilities, for a Level II screening.

(2) In the Level II screening, the department's designee will verify the diagnosis and determine whether the referred individuals need specialized services, or services of a lesser intensity:

(a) **"Specialized services"** for an individual with mental retardation or related conditions is defined under 42 C.F.R. § 483.120 (a)(2), and 42 C.F.R. § 483.440 (a)(1), or successor laws. These specialized services do not include services to maintain a generally independent individual able to function with little supervision or in the absence of a treatment program; and

(b) **"Specialized services"** for an individual with a serious mental illness is defined under 42 C.F.R. § 483.120 (a)(1), or successor laws. These services are generally considered acute psychiatric inpatient care, emergency respite care, or stabilization and crisis services.

(3) The need for specialized services, for a nursing facility applicant, will be determined as follows:

(a) If the individual is identified as likely to have a serious mental illness, a qualified mental health professional will verify whether the individual has a serious mental illness and, if so, will recommend whether the individual needs specialized services; and

(b) If the individual is identified as likely to have a developmental disability, a licensed psychologist will verify whether the individual has a developmental disability and, if so, staff of the division of developmental disabilities will assess and determine whether the individual requires specialized services.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-

1960, filed 9/24/08, effective 11/1/08.]

388-97-1980
Resident review.

After a resident's admission the nursing facility must:

(1) Review the Level I screening form for accuracy and make changes as needed if the resident develops a qualifying diagnosis or if the resident's symptoms were undetected or misdiagnosed;

(2) Refer residents who have qualifying diagnoses and who require further PASRR assessment to the mental health PASRR contractor or division of development disabilities;

(3) Record the identification screen information or subsequent changes on the resident assessment instrument according to the schedule required under 42 C.F.R. § 483.20;

(4) Maintain the identification screen form and PASRR assessment information, including recommendations, in the resident's active clinical record; and

(5) Promptly notify the mental health PASRR contractor or division of developmental disabilities after a significant change in the physical or mental condition of any resident that is mentally ill or mentally retarded.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1980, filed 9/24/08, effective 11/1/08.]

388-97-2000
Preadmission screening and resident review (PASRR) determination and appeal rights.

(1) The resident has the right to choose to remain in the nursing facility and receive specialized services if:

(a) He or she has continuously resided in a nursing facility since October 1, 1987; and

(b) The department determined, in 1990, that the resident required specialized services for a serious mental illness or developmental disability but did not require nursing facility services.

(2) In the event that residents chose to remain in the nursing facility as outlined in

subsection (1) above, the department, or designee, will clarify the effect on eligibility for medicaid services under the state plan if the resident chooses to leave the facility, including its effect on readmission to the facility.

(3) An individual applying for admission to a nursing facility or a nursing facility resident who has been adversely impacted by a PASRR determination may appeal the department's determination that the individual is:

(a) Not in need of nursing facility care as defined under WAC 388-106-0350 through 388-106-0360;

(b) Not in need of specialized services as defined under WAC 388-97-1960; or

(c) Need for specialized services as defined under WAC 388-97-1960.

(4) The nursing facility must assist the individual applying for admission or resident, as needed, in requesting a hearing to appeal the department's PASRR determination.

(5) If the department's PASRR determination requires that a resident be transferred or discharged, the department will:

(a) Provide the required notice of transfer or discharge to the resident, the resident's surrogate decision maker, and if appropriate, a family member or the resident's representative thirty days or more before the date of transfer or discharge;

(b) Attach a hearing request form to the transfer or discharge notice;

(c) Inform the resident, in writing in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge;

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of administrative hearings on or before the date of transfer or discharge set forth in the written transfer or discharge notice; and

(iii) The resident will be ineligible for medicaid nursing facility payment:

(A) Thirty days after the receipt of written notice of transfer or discharge; or

(B) If the resident appeals under subsection (1)(a) of this section, thirty days after the final order is entered upholding the department's decision to transfer or discharge a resident.

(6) The department's home and community services may pay for the resident's nursing facility services after the time specified in subsection (5)(c)(iii) of this section, if the department

determines that a location appropriate to the resident's medical and other needs is not available.

(7) The department will:

(a) Send a copy of the transfer/discharge notice to the resident's attending physician, the nursing facility and, where appropriate, a family member or the resident's representative;

(b) Suspend transfer or discharge:

(i) If the office of administrative hearings receives an appeal on or before the date set for transfer or discharge or before the resident is actually transferred or discharged; and

(ii) Until the office of appeals makes a determination; and

(c) Provide assistance to the resident for relocation necessitated by the department's PASRR determination.

(8) Resident appeals of PASRR determinations will be in accordance with 42 C.F.R. § 431 Subpart E, chapter 388-02 WAC, and the procedures defined in this section. In the event of a conflict between a provision in this chapter and a provision in chapter 388-02 WAC, the provision in this chapter will prevail.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2000, filed 9/24/08, effective 11/1/08.]

388-97-2020
Intermediate care facilities for the mentally retarded.

(1) ICF/MR nursing facilities must meet the requirements of 42 C.F.R. § 483 Subpart I and the requirements of this subchapter except that in an ICF/MR nursing facility:

(a) There must be at least one registered nurse or licensed practical nurse on duty eight hours per day, and additional licensed staff on any shift if indicated. WAC 388-97-1080 (2)(a) and (3)(a) and (b) do not apply to ICF/MR nursing facilities; and

(b) A medical director is not required.

(2) Staff from the division of developmental disabilities will approve of social/therapeutic leave for individuals who reside in ICF/MR nursing facilities.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2020, filed 9/24/08, effective 11/1/08.]

388-97-2040
Design.

The design of a nursing home must facilitate resident-centered care and services in a safe, clean, comfortable and homelike environment that allows the resident to use his or her personal belongings to the greatest extent possible.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2040, filed 9/24/08, effective 11/1/08.]

388-97-2060
New construction compliance.

The nursing home must ensure that:

(1) New construction, as defined in WAC 388-97-2160, complies with all the requirements of subchapter II of this chapter;

(2) New construction must maintain compliance with the regulations in effect at the time of initial submission to the department of health, certificate of need and construction review services; except if the previous construction jeopardizes resident health and safety, the department may require compliance with current construction rules;

(3) The department of health, certificate of need and construction review programs, are contacted for review and that the programs issue applicable determinations and approvals for all new construction; and

(4) Construction is completed in compliance with the final construction review services approved documents. Compliance with these standards and regulations does not relieve the nursing home of the need to comply with applicable state and local building and zoning codes.

(5) The department has done a pre-occupancy survey and has notified the nursing home that it may begin admitting residents.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-2060, filed 12/29/09, effective

1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2060, filed 9/24/08, effective 11/1/08.]

388-97-2080
Fire standards and approval, and other standards.

The nursing home must:

(1) Conform to at least the minimum standards for the prevention of fire, and for the protection of life and property against fire, according to the International Fire Code, RCW 19.27.031, the federal Life Safety Code, 42 C.F.R. 483.70(a), and additional state requirements in chapter 212-12 WAC; and

(2) Comply with all other applicable requirements of state and federal law.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2080, filed 9/24/08, effective 11/1/08.]

388-97-2100
Maintenance and repair.

All nursing homes must:

(1) Maintain electrical, mechanical, and patient care equipment in safe and operating condition; and

(2) Ensure floors, walls, ceilings, and equipment surfaces are maintained in clean condition and in good repair.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2100, filed 9/24/08, effective 11/1/08.]

388-97-2120
Noise.

(1) All nursing homes must maintain comfortable sound levels, to include minimizing the use of

the public address system and taking reasonable precautions with noisy services so residents are not disturbed, particularly during their sleeping time; and

(2) In new construction, the nursing home must:

(a) Have walls, floor/ceiling and roof/ceiling assemblies constructed with materials that provide comfortable sound levels in all resident areas, rated at an STC 50 or greater; and

(b) Utilize an alternative to the public address system for nonemergency communication that best serves the residents' needs.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2120, filed 9/24/08, effective 11/1/08.]

388-97-2140
Accessibility in new construction.

The nursing home must be readily accessible to a person with disability and comply with WAC 388-97-3520.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2140, filed 9/24/08, effective 11/1/08.]

388-97-2160
Types of new construction.

New construction includes, but is not limited to:

(1) New structures.

(a) A new building to be licensed as a nursing home; or

(b) An addition to a building currently licensed as a nursing home.

(2) Existing buildings.

(a) Conversion of another building to a nursing home;

(b) Change in the use of space for access by residents within an existing nursing home; and

(c) Alterations including physical, mechanical, or electrical changes made to an existing nursing home, except for normal routine maintenance and repair.

(3) See WAC 388-97-3400(3) for less extensive alterations.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2160, filed 9/24/08, effective 11/1/08.]

388-97-2180
ICF/MR exceptions to physical plan requirements.

The following regulations do not apply to nursing homes certified exclusively under 42 C.F.R. § 483, Subpart I, or successor laws:

(1) WAC 388-97-2440, regarding the required number of square feet per bed; and

(2) WAC 388-97-2660, regarding cubicle curtains.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2180, filed 9/24/08, effective 11/1/08.]

388-97-2200
Emergency power.

(1) The nursing home must have an alternate source of power and automatic transfer equipment to connect the alternate source within ten seconds of the failure of the normal source.

(2) The nursing home must ensure the alternate source is a generator:

(a) With on-site fuel supply;

(b) Permanently fixed in place;

(c) Approved for emergency service; and

(d) An on premises emergency generator, as defined in NFPA 99, Health care facilities, when life support systems are used.

(3) The nursing home must ensure the emergency power supply provides a minimum of four hours of effective power for lighting for night lights, exit signs, exit corridors, stairways, dining and recreation areas, work stations, medication preparation areas, boiler rooms, electrical service room and emergency generator locations.

(4) A nursing home first licensed on or after October 1, 1981, must have emergency power supplied to:

(a) Communication systems, all alarm systems, an elevator that reaches every resident floor including the ground floor, equipment to provide heating for resident rooms or a room to which all residents can be moved; and

(b) Electrical outlets located in medication preparation areas, pharmacy dispensing areas, staff work stations, dining areas, resident corridors, and resident bed locations designated for use with life support systems.

(5) **In new construction** the emergency power equipment must meet the:

(a) Earthquake standards for the facility's geographic locale; and

(b) Requirements in NFPA 110, Generators.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2200, filed 9/24/08, effective 11/1/08.]

388-97-2220
Location of the resident care unit.

The nursing home must ensure that:

(1) Each resident care unit is located to minimize through traffic to any general service, diagnostic, treatment, or administrative area; and

(2) **In new construction**, the resident care unit, and the services to support resident care and nursing needs, are designed to serve a maximum of sixty beds on the same floor.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2220, filed 9/24/08, effective 11/1/08.]

388-97-2240
Required service areas on resident care units.

(1) The nursing home must ensure each resident care unit has at least the following required service areas:

(a) A staff work station;

(b) A medicine storage and preparation area;

(c) A utility room that maintains separated clean and soiled functions;

(d) Storage space for linen, other supplies, and equipment; and

(e) Housekeeping services and janitor's closet.

(2) **In new construction** resident care units may share required services if the units are in close proximity to each other and the combined units serve a total of not more than sixty residents; except the nursing home must have a separate staff work station on a secured dementia care unit.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2240, filed 9/24/08, effective 11/1/08.]

388-97-2260
Staff work stations on resident care units.

(1) On each unit, the nursing home must have a staff work station appropriate to the needs of staff using the space. At a minimum, the nursing home must equip the area with:

(a) A charting surface;

(b) A rack or other storage for current health records;

(c) Storage for record and clerical supplies;

(d) A telephone;

(e) A resident call system; and

(f) A clock.

(2) **In new construction** the work station space must be open to the corridor.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2260, filed 9/24/08, effective 11/1/08.]

388-97-2280
Call systems on resident care units.

The nursing home must provide a system that meets the following standards:

(1) A wired or wireless communication system which registers a call by distinctive light at the room door and by distinctive light and audible tone at the staff work station. The system must be equipped to receive resident calls from:

(a) The bedside of each resident;

(b) Every common area, dining and activity areas, common use toilet rooms, and other areas used by residents; and

(c) Resident toilet, bath and shower rooms.

(2) An emergency signal device that meets the needs of the resident and adapted for easy reach by the resident. A signal device must be adapted to meet resident needs and, in the dementia unit, may be adapted for staff and family use, see WAC 388-97-2900.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-2280, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2280, filed 9/24/08, effective 11/1/08.]

388-97-2300
Telephones on resident care units.

The nursing home must provide twenty-four hour access to a telephone for resident use which:

(1) Provides auditory privacy;

(2) Is accessible to a person with a disability and accommodates a person with sensory impairment;

(3) Is not located in a staff office or at a nurse's station; and

(4) Does not require payment for local calls.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2300, filed 9/24/08, effective 11/1/08.]

388-97-2320
Utility service rooms on resident care units.

(1) All nursing homes must:

(a) Provide utility rooms designed, equipped, and maintained to ensure separation of clean and sterile supplies and equipment from those that are contaminated;

(b) Ensure that each clean utility room has:

(i) A work counter;

(ii) A sink equipped with single use hand drying towels and soap for handwashing; and

(iii) Closed storage units for supplies and small equipment; and

(c) Ensure that each soiled utility room has:

(i) A work counter and a sink large enough to totally submerge the items being cleaned and disinfected;

(ii) Storage for cleaning supplies and other items, including equipment, to meet nursing home needs;

(iii) Locked storage for cleaning agents, disinfectants and other caustic or toxic agents;

(iv) Adequate space for waste containers, linen hampers, and other large equipment; and

(v) Adequate ventilation to remove odors and moisture.

(2) **In new construction**:

(a) A resident room must not be more than ninety feet from a clean utility room and a soiled utility room;

(b) The clean utility room and the soiled utility room must be separate rooms;

(c) Each soiled utility room must contain:

(i) A double-compartment sink with inside dimensions of each compartment deep enough to totally submerge items being cleaned and disinfected;

(ii) Sufficient, available work surface on each side of the sink to adequately process and dry equipment with a minimum of three feet of work surface on the clean side;

(iii) Drying/draining racks for wet equipment;

(iv) Work counters, sinks, and other fixed equipment arranged to prevent intermingling of clean and contaminated items during the cleaning process; and

(v) A siphon jet type clinic service sink or equivalent installed on the soiled side of the utility room away from the door.

(d) The nursing home's space for waste containers, linen hampers, and other large equipment must not block work areas; and

(e) The utility rooms must meet the ventilation requirements of Table 6 in WAC 388-97-4040.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2320, filed 9/24/08, effective 11/1/08.]

388-97-2340
Drug facilities on resident care units.

The nursing home must provide an area designed and equipped for drug preparation and locked storage convenient to each work station. The nursing home must ensure:

(1) The drug facilities are well illuminated, ventilated, and equipped with a work counter, sink with hot and cold running water, and drug storage units;

(2) The drug storage units are one or more of the following:

(a) Locked cabinetry constructed in accordance with board of pharmacy regulations for drug storage which has:

(i) Separately keyed storage for Schedule II and III controlled substances; and

(ii) Segregated storage of different residents' drugs; or

(b) An automated medication distribution device or storage.

(3) There is a refrigerator for storage of thermolabile drugs in the drug facility;

(4) Locks and keys for drug facilities are different from other locks and keys within the nursing home; and

(5) **In new construction**, the drug facility must be a separate room.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2340, filed 9/24/08, effective 11/1/08.]

388-97-2360
Linen storage on resident care units.

The nursing home must provide:

(1) A clean area for storage of clean linen and other bedding. This may be an area within the clean utility room;

(2) A soiled linen area for the collection and temporary storage of soiled linen. This may be within the soiled utility room; and

(3) **In new construction**, storage for linen barrels and clean linen carts.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2360, filed 9/24/08, effective 11/1/08.]

388-97-2380
Janitors closets on resident care units.

(1) The nursing home must have a janitor's closet with a service sink and adequate storage space for housekeeping equipment and supplies convenient to each resident unit.

(2) **In new construction** a janitor's closet must meet the ventilation requirements of Table 6, in WAC 388-97-4040.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2380, filed 9/24/08, effective 11/1/08.]

388-97-2400
Resident rooms.

(1) The nursing home must ensure that each resident bedroom:

(a) Has direct access to a hall or corridor;

(b) Is located on an exterior wall with a transparent glass window; and

(c) Is located to prevent through traffic.

(2) **In a new building or addition**, each resident bedroom must:

(a) Have an exterior transparent glass window:

(i) With an area equal to at least one-tenth of the bedroom usable floor area;

(ii) Located twenty-four feet or more from another building or the opposite wall of a court, or ten feet or more away from a property line, except on street sides;

(iii) Located eight feet or more from any exterior walkway, paved surface, or driveway; and

(iv) With a sill three feet or less above the floor.

(b) Be located on a floor level at or above grade level except for earth berms. "Grade" means the level of ground adjacent to the building floor level measured at the required exterior window. The ground must be level or slope downward for a distance of at least ten feet from the

wall of the building. From there the ground may slope upward to the maximum sill height of the required window at a rate of one foot vertical for two feet horizontal.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2400, filed 9/24/08, effective 11/1/08.]

388-97-2420
Capacity of resident rooms.

(1) The nursing home must ensure that any resident bedroom has:

(a) No more than two beds between any resident bed and exterior window wall; and

(b) A maximum capacity of four beds.

(2) **In a new building, addition, or change of use to a resident bedroom** the maximum capacity is two beds per room, for plans submitted after September 1, 1995.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2420, filed 9/24/08, effective 11/1/08.]

388-97-2440
Size of resident rooms.

The nursing home must ensure that minimum usable room space exclusive of toilet rooms, closets, lockers, wardrobes, must:

(1) In existing facilities, be at least eighty square feet per bed in each multibed room and at least one hundred square feet for each single bed room;

(2) **In a new building or addition**, be one-hundred and ten square feet per bed in multibed rooms, and one-hundred square feet in single bed rooms;

(3) **In new construction**, ensure that the minimum usable room space is also exclusive of vestibules; and

(4) For exceptions to room size requirements refer to WAC 388-97-2180.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2440, filed 9/24/08, effective 11/1/08.]

388-97-2460
Privacy in resident rooms.

The nursing home must ensure that each resident bedroom is designed or equipped to ensure full visual privacy for each resident.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2460, filed 9/24/08, effective 11/1/08.]

388-97-2480
Resident isolation rooms.

If a nursing home provides an isolation room, the nursing home must ensure the room is uncarpeted and contains:

(1) A handwashing sink with water supplied through a mixing valve;

(2) Its own adjoining toilet room containing a bathing facility; and

(3) **In new construction**, the handwashing sink must be located between the entry door and the nearest bed.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2480, filed 9/24/08, effective 11/1/08.]

388-97-2500
Resident room size variance.

The director of residential care services, aging and disability services administration, or their designee, may permit exceptions to WAC 388-97-2420 (1)(a) and 388-97-2440(1) when the

nursing home demonstrates in writing that the exception:

(1) Is in accordance with the special needs of the resident; and

(2) Will not adversely affect any resident's health or safety.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2500, filed 9/24/08, effective 11/1/08.]

388-97-2520
Resident room equipment.

The nursing home must determine a resident's furniture and equipment needs at the time of admission and routinely thereafter to ensure resident comfort. Except as specified in WAC 388-97-0560, the nursing home must provide each resident with the following items required in WAC 388-97-2540 through 388-97-2680.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2520, filed 9/24/08, effective 11/1/08.]

388-97-2540
Resident bed and bedside equipment.

The nursing home must provide:

(1) A comfortable bed of size and height to maximize a resident's independent functioning. Beds may be arranged to satisfy the needs and desires of the individual resident provided the arrangement does not negatively impact the health or safety of other residents;

(2) Appropriate bedding; and

(3) A bedside cabinet that allows for storage of small personal articles and a separate drawer or enclosed compartment for storage of resident care utensils/equipment.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2540, filed 9/24/08, effective 11/1/08.]

388-97-2560
Lockable storage space in a resident room.

The nursing home must provide:

(1) A lockable storage space accessible to each resident for storage of small personal items, upon request; and

(2) **In a new building or addition**, a lockable cabinet space or drawer for storage of personal belongings for each resident bed, in addition to the bedside cabinet.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2560, filed 9/24/08, effective 11/1/08.]

388-97-2580
Wardrobes in a resident room.

The nursing home must provide:

(1) A separated, enclosed wardrobe or closet for each resident's clothing and belongings accessible to the resident; and

(2) **In a new building or addition**, each bed in each room must have a separate, enclosed wardrobe or closet accessible to the resident with:

(a) Minimum inside dimensions of twenty-two inches deep by a minimum of twenty-six inches wide by sixty inches high; and

(b) Inside space including a rod, at least fifteen inches long, and allowing for fifty-four inches of clear hanging length adjustable to meet the needs of the resident.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2580, filed 9/24/08, effective 11/1/08.]

388-97-2600
Seating in a resident room.

The nursing home must provide comfortable seating for residents and visitors, not including resident care equipment, that provides proper body alignment and support.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2600, filed 9/24/08, effective 11/1/08.]

388-97-2620
Lighting in resident rooms.

The nursing home must provide a permanently mounted or equivalent light suitable for any task the resident chooses to do or any task the staff must do.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2620, filed 9/24/08, effective 11/1/08.]

388-97-2640
Call signal device in resident rooms.

The nursing home must provide a resident call signal device that complies with WAC 388-97-2280.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2640, filed 9/24/08, effective 11/1/08.]

388-97-2660
Cubicle curtains in resident rooms.

The nursing home must provide:

(1) Flame-retardant cubicle curtains in multibed rooms that ensures full visual privacy for each resident;

(2) **In a new building or addition**, the cubicle curtain or enclosed space ensures full visual privacy for each bed in a multibed room with enclosed space containing at least sixty-four square feet of floor area with a minimum dimension of seven feet. "Full visual privacy" in a multibed room prevents staff, visitors and other residents from seeing a resident in bed, while allowing staff, visitors, and other residents access to the toilet room, handwashing sink, exterior window, and the entrance door;

(3) For exceptions to cubicle curtain requirements refer to WAC 388-97-2180.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2660, filed 9/24/08, effective 11/1/08.]

388-97-2680
Miscellaneous equipment in resident rooms in a new building or addition.

The nursing home must provide:

(1) A phone jack for each bed in each room;

(2) A handwashing sink in each multibed room and a handwashing sink in each single room that does not have an adjoining toilet room containing a handwashing sink. A handwashing sink located in a resident bedroom must be located between the corridor entry door and the nearest resident bed; and

(3) Storage that meets the requirements of WAC 388-97-3000, 388-97-3020, and 388-97-3040.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2680, filed 9/24/08, effective 11/1/08.]

388-97-2700
Resident toilet facilities or rooms.

The nursing home must ensure that:

(1) Each resident room is equipped with or located convenient to toilet facilities.

(2) **For new construction**, a toilet room must:

(a) Be directly accessible from each resident room and from each bathing facility without going through or entering a general corridor while maintaining resident dignity;

(b) Serve two bedrooms or less;

(c) Be designed to accommodate a person in a wheelchair;

(d) Contain at least one handwashing sink; and

(e) Provide a properly located and securely mounted grab bar at each side and the back of each toilet fixture in each toilet room and stall. Grab bars on the open side must be located twelve to eighteen inches from the center line of the toilet. Grab bars on the open side must be able to swing up.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2700, filed 9/24/08, effective 11/1/08.]

388-97-2720
Resident bathing facilities or rooms.

The nursing home must ensure:

(1) Each resident room is equipped with or located near bathing facilities;

(2) At least one bathing unit for no more than thirty residents that is not located in a room served by an adjoining bathroom;

(3) At least one bathing device for immersion per floor;

(4) At least one roll in shower or equivalent on each resident care unit:

(a) Designed and equipped for unobstructed ease of shower chair entry and use; and

(b) With a spray attachment equipped with a backflow prevention device.

(5) Resident bathing equipment is smooth, cleanable, and able to be disinfected after each use.

(6) **For new construction**, in each bathing unit containing more than one bathing facility:

(a) Each bathtub, shower, or equivalent, is located in a separate room or compartment with three solid walls;

(b) The entry wall may be a "shower" type curtain or equivalent;

(c) The area for each bathtub and shower is sufficient to accommodate a shower chair, an attendant, and provide visual privacy for bathing, drying, and dressing;

(d) Shower and tub surfaces are slip-resistant;

(e) Bathing areas are constructed of materials that are impervious to water and cleanable; and

(f) Grab bars are installed on all three sides of a shower with the shower head grab bar being "L" shaped.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2720, filed 9/24/08, effective 11/1/08.]

388-97-2740
Locks in toilet and bathing facilities.

The nursing home must ensure:

(1) All lockable toilet facilities and bathrooms have a readily available means of unlocking from the outside; and

(2) Locks are operable from the inside with a single motion.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2740, filed 9/24/08, effective 11/1/08.]

388-97-2760
Dining, dayrooms, and resident activity areas.

(1) The nursing home must provide one or more rooms designated for resident dining and

activities that are:

(a) Well lighted;

(b) Well ventilated;

(c) Adequately furnished; and

(d) Large enough to accommodate all activities.

(2) **In a new building or addition**, the nursing home must design space for dining rooms, dayrooms, and activity areas for resident convenience and comfort and to provide a homelike environment. These areas must be located on the same floor as the residents who will use the areas. The nursing home must:

(a) Ensure these rooms or areas are exterior rooms with windows that have a maximum sill height of thirty-six inches;

(b) Provide space for dining, day use, and activities with a minimum combined total of thirty square feet for each licensed bed;

(c) Design any multipurpose rooms to prevent program interference with each other;

(d) Locate a day room on each resident care unit;

(e) Provide storage spaces for all activity and recreational equipment and supplies, adjoining or adjacent to the facilities provided; and

(f) Locate a common use toilet facility, with handwashing sink and accessories, providing direct access from the hallway and within a maximum of forty feet from these spaces.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2760, filed 9/24/08, effective 11/1/08.]

388-97-2780
Laundry services and storage.

The nursing home must comply with WAC 388-97-1860 and ensure:

(1) Sufficient laundry washing and drying facilities to meet the residents' care and comfort needs without delay.

(2) That the nursing home linen is disinfected in accordance with:

(a) The temperature and time of the cycle as specified by the manufacturer; or

(b) The hot water cycle using the following table:

Water Temperature	Cycle Length
160 degrees F	At least 5 minutes
140 degrees F	At least 15 minutes

(3) **In new construction**, soiled linens and soiled clothing are stored and sorted in a room ventilated according to Table 6 in WAC 388-97-4040. The room must:

(a) Have self-closing doors;

(b) Be separated from the washing and drying facilities;

(c) Contain a handwashing sink;

(d) Have a floor drain; and

(e) Contain a clinic service sink.

(4) **In new construction**, clean linen is stored in a room ventilated according to Table 6 in WAC 388-97-4040. The room must:

(a) Be separated from the washing and drying facilities; and

(b) Have self closing doors.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2780, filed 9/24/08, effective 11/1/08.]

388-97-2800
Dementia care unit.

A nursing home that began operating a dementia care unit at any time after November 13,

1989, must meet all requirements of this section, WAC 388-97-2820 through 388-97-2920, and the resident care unit requirements of WAC 388-97-2220 through 388-97-2380. Refer to WAC 388-97-1040, for program requirements.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2800, filed 9/24/08, effective 11/1/08.]

388-97-2820
Dining areas on a dementia care unit.

(1) The nursing home must provide dining areas in the dementia care unit which may also serve as day areas for the unit.

(2) **In a new building or addition**, the dining, dayroom, and activity area or areas on the unit must provide a minimum of thirty square feet per resident.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2820, filed 9/24/08, effective 11/1/08.]

388-97-2840
Outdoor areas on a dementia care unit.

The nursing home must provide the dementia care unit with:

(1) Secured outdoor space and walkways;

(2) An ambulation area with accessible walking surfaces that:

(a) Are firm, stable, and free from cracks and abrupt changes with a maximum of one inch between sidewalk and adjoining landscape areas;

(b) Have slip-resistant surfaces if subject to wet conditions; and

(c) Sufficient space and outdoor furniture with flexibility in arrangement of the furniture to accommodate residents who use wheelchairs and mobility aids.

(3) Nontoxic outdoor plants in areas accessible to residents.

(4) In new construction the outdoor areas must also meet the requirements of WAC 388-97-3740.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2840, filed 9/24/08, effective 11/1/08.]

388-97-2860
Indoor areas on a dementia care unit.

The nursing home must provide the dementia care unit with:

(1) Indoor ambulation areas that meet the needs of the residents and are maintained free of equipment; and

(2) Nontoxic indoor plants in areas accessible to residents.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2860, filed 9/24/08, effective 11/1/08.]

388-97-2880
Ambulation route on a dementia care unit in a new building or addition.

The nursing home must ensure that the dementia care unit has a continuous ambulation route which may include outdoor ambulation areas and allows the resident to return to the resident's starting point without reversing direction.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2880, filed 9/24/08, effective 11/1/08.]

388-97-2900
Physical plant on a dementia care unit.

The nursing home must:

(1) Provide a staff toilet room with a handwashing sink;

(2) Ensure that floors, walls, and ceiling surfaces display contrasting color for identification:

(a) Surfaces may have a disguise design to obscure or conceal areas that residents should not enter, except for exit doors and doorways; and

(b) Exit doors must be marked so that they are readily distinguishable from adjacent construction and the way of exit travel is obvious and direct.

(3) Ensure that door thresholds are one-half inch high or less;

(4) Provide a signal device adapted:

(a) To meet residents' needs; and

(b) For staff and family use, if necessary.

(5) Ensure that the public address system is used only for emergency use; and

(6) Refer to WAC 388-97-470(2) for dementia care unit exceptions to individual temperature controls.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2900, filed 9/24/08, effective 11/1/08.]

388-97-2920
Special egress control devices on a dementia care unit.

In dementia care units the nursing home must:

(1) Have proof that required approvals for any special egress control devices were obtained from the state fire marshal, department of social and health services, and the local official who enforces the International Building Code and International Fire Code; and

(2) **In a new building or addition, or when adding** special egress control devices to be used on doors and gates which are a part of the exit system, the building must:

(a) Have obtained approval from department of health construction review and the local official who enforces the International Building Code and International Fire Code;

(b) Have an approved automatic fire alarm system;

(c) Have an approved supervised automatic fire sprinkler system which is electrically interconnected with the fire alarm system; and

(d) Have a system which must:

(i) Automatically release if power to the system is lost;

(ii) Automatically release with activation of the building's fire alarm system;

(iii) Release with an override switch installed at each staff work station or at a constantly staff attended location within the building; and

(iv) Have directions for releasing the device at each egress controlled door and gate; and

(e) Prohibit the use of keyed locks at all doors and gates in all egress pathways.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2920, filed 9/24/08, effective 11/1/08.]

388-97-2940
Specialized rehabilitation.

(1) If nursing homes initially licensed after October 1, 1981 provide inpatient specialized rehabilitation, they must ensure that those services provide:

(a) Easy access in general service areas;

(b) Exercise, treatment, and supportive equipment as required by the narrative program in the construction documents;

(c) Adequate space for exercise equipment and treatment tables with sufficient work space on each side;

(d) Privacy cubicle curtains on tracks or the equivalent around treatment areas;

(e) A sink in the treatment area and a toilet and handwashing sink in a toilet room nearby;

(f) Space and a desk or equivalent for administrative, clerical, interviewing, and consultative functions;

(g) Adequate enclosed storage cabinets for clean linen and supplies and locked storage for cleaning chemicals in the rehabilitation room or nearby janitor's closet;

(h) Adequate storage space for large equipment;

(i) A janitor's closet close to the area;

(j) Soiled linen storage; and

(k) A separate room or area for hydrotherapy tanks, or the equivalent, if provided.

(2) **For any new construction** under WAC 388-97-2160, nursing homes licensed before October 1, 1981, must comply with the requirements in subsection (1) of this section.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2940, filed 9/24/08, effective 11/1/08.]

388-97-2960
Outpatient rehabilitation.

The nursing home must ensure that facilities with outpatient programs provide:

(1) A designated reception and waiting room or area and space for interviewing or counseling individual outpatients and their families;

(2) Adequate space for the program so that disruption to designated resident care units is minimized;

(3) Accessible toilet and shower facilities nearby;

(4) Lockers or a safe place to store outpatient personal belongings;

(5) A separate room or area for hydrotherapy tanks, or the equivalent, if provided; and

(6) **In new construction**, required access must come from the exterior without passing through the interior of the facility.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2960, filed 9/24/08, effective 11/1/08.]

388-97-2980
Food service areas.

The nursing home must ensure food service areas are in compliance with chapter 246-215 WAC, state board of health rules governing food service sanitation. The nursing home must:

(1) Ensure food service areas are provided for the purpose of preparing, serving, and storing food and drink unless food service is provided from another licensed food service facility;

(2) Ensure food service areas are located to facilitate receiving of food supplies, disposal of kitchen waste, and transportation of food to dining and resident care areas;

(3) Locate and arrange the kitchen to avoid contamination of food, to prevent heat and noise entering resident care areas, and to prevent through traffic;

(4) Locate the receiving area for ready access to storage and refrigeration areas;

(5) Conveniently locate a handwashing sink near the food preparation and dishwashing area, and include a waste receptacle and dispensers stocked with soap and paper towels;

(6) Adequately ventilate, light, and equip the dishwashing room or area for sanitary processing of dishes;

(7) Locate the garbage storage area in a well-ventilated room or an outside area;

(8) Provide hot and cold water and a floor drain connected to the sanitary sewage system in a can wash area, unless located in outside covered area;

(9) Provide space for an office or a desk and files for food service management located central to deliveries and kitchen operations; and

(10) Include housekeeping facilities or a janitor's closet for the exclusive use of food service with a service sink and storage of housekeeping equipment and supplies.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-2980, filed 9/24/08, effective 11/1/08.]

388-97-3000

Storage of equipment.

The nursing home must:

(1) Provide adequate storage space for wheelchairs and other ambulation equipment;

(2) Ensure stored equipment does not impinge upon the required corridor space; and

(3) **In new construction**, provide adequate storage of four square feet or more of storage space per bed which does not impinge upon required corridor space.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3000, filed 9/24/08, effective 11/1/08.]

388-97-3020
Storage of resident room equipment in a new building or addition.

The nursing home must provide separate storage for extra pillows and blankets for each bed. This may be in a location convenient to the resident room or combined with the wardrobe or closet if it does not impinge upon the required space for clothing.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3020, filed 9/24/08, effective 11/1/08.]

388-97-3040
General storage in new construction.

A nursing home must have general storage space of not less than five square feet per bed in addition to the closets and storage required in WAC 388-97-2560.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3040, filed 9/24/08, effective 11/1/08.]

388-97-3060

Lighting.

The nursing home must ensure that lighting and lighting levels:

(1) Are adequate and comfortable for the functions being conducted in each area of the nursing home;

(2) Are suitable for any task the resident chooses or any task the staff must do;

(3) Support the independent functioning of the resident;

(4) Provide a homelike environment; and

(5) Minimize glare.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3060, filed 9/24/08, effective 11/1/08.]

388-97-3080
Natural or artificial light.

(1) The nursing home must ensure that adequate natural or artificial light for inside illumination is provided in every useable room area, including but not limited to storerooms, attic and basement rooms, hallways, stairways, inclines, and ramps.

(2) **In new buildings and additions**, the nursing home must utilize:

(a) Windows and skylights to minimize the need for artificial light and to allow a resident to experience the natural daylight cycle; and

(b) Windows and skylights near entrances/exits in order to avoid difficulty in adjusting to light levels when entering or leaving the facility.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3080, filed 9/24/08, effective 11/1/08.]

388-97-3100

Outside lighting.

The nursing home must ensure:

(1) Lighting levels in parking lots and approaches to buildings are appropriate for resident and visitor convenience and safety; and

(2) All outside areas where nursing home equipment and machinery are stored have proper lighting.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3100, filed 9/24/08, effective 11/1/08.]

388-97-3120
Light shields.

The nursing home must ensure that light shields are provided in food preparation and serving areas, utility rooms, medication rooms, exam rooms, pool enclosures, laundry areas, and on ceiling mounted fluorescent lights in resident rooms.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3120, filed 9/24/08, effective 11/1/08.]

388-97-3140
Illumination levels in new buildings and additions.

The nursing home must ensure:

(1) Lighting fixtures and circuitry provide at least the illumination levels appropriate to the task;

(2) Design takes into consideration that lighting systems normally decrease in output with age and dirt accumulation; and

(3) Light fixture locations and switching arrangements are appropriate for the needs of the occupants of the spaces and follow Illuminating Engineering Society (IES) recommendations for health care facilities.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3140, filed 9/24/08, effective 11/1/08.]

388-97-3160
Night lights in new construction.

The nursing home must install in each resident room a night light that is:

(1) Flush mounted on the wall;

(2) Designed to prevent viewing the light source from thirty inches or more above the floor;

(3) Located to provide safe pathway lighting for the staff and residents; and

(4) Controlled by a switch at each resident room entrance door or by a master switch.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3160, filed 9/24/08, effective 11/1/08.]

388-97-3180
Switches in new construction.

The nursing home must install quiet operating switches for general illumination adjacent to doors in all areas and accessible to residents in resident rooms.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3180, filed 9/24/08, effective 11/1/08.]

388-97-3200
Electrical outlets.

(1) The nursing home must provide enough electrical outlets to meet the care and personal

appliance needs of each resident. An approved power tap may be used only for portable appliances with specific overcurrent protection needs, such as a computer. A "power tap" is a device for indoor use consisting of an attachment plug on the end of a flexible cord and two or more receptacles on the opposite end, with overcurrent protection. A power tap must be:

(a) Polarized or grounded;

(b) UL listed; and

(c) Directly connected to a permanently installed electrical outlet.

(2) **In new construction**, the nursing home must ensure:

(a) There are a minimum of seven outlets:

(i) Four hospital grade electrical outlets located convenient to each residents' bed and centered at forty to forty-four inches above the floor, with a minimum of:

(A) Two additional electrical outlets at separate, convenient locations in each resident room; and

(B) One duplex electrical outlet located adjacent to each handwashing sink intended for resident use.

(b) All electrical outlets located within five feet of any sink, toilet, bath, or shower must be protected by a ground fault circuit interrupter.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3200, filed 9/24/08, effective 11/1/08.]

388-97-3220
Safety.

The nursing home must provide:

(1) A safe, functional, sanitary, and comfortable environment for the residents, staff, and the public; and

(2) Signs to designate areas of hazard.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3220, filed 9/24/08, effective 11/1/08.]

388-97-3240
Safety — Poisons and nonmedical chemicals.

The nursing home must ensure that poisons and nonmedicinal chemicals are stored in containers identified with warning labels. The containers must be stored:

(1) In a separate locked storage when not in use by staff; and

(2) Separate from drugs used for medicinal purposes.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3240, filed 9/24/08, effective 11/1/08.]

388-97-3260
Safety — Storage of equipment and supplies.

The nursing home must ensure that the manner in which equipment and supplies are stored does not jeopardize the safety of residents, staff, or the public.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3260, filed 9/24/08, effective 11/1/08.]

388-97-3280
Safety — Handrails.

The nursing home must:

(1) Provide handrails on each side of all corridors and stairwells accessible to residents; and

(2) **In new construction** ensure that:

(a) Ends of handrails are returned to the walls;

(b) Handrails are mounted thirty to thirty-four inches above the floor and project not more than three and three-quarters inches from the wall; and

(c) Handrails terminate not more than six inches from a door.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3280, filed 9/24/08, effective 11/1/08.]

388-97-3300
Water supply.

The nursing home must comply with the requirements of the group A, Public Water Systems, chapter 246-290 WAC or group B, Public Water Systems, chapter 246-291 WAC.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3300, filed 9/24/08, effective 11/1/08.]

388-97-3320
Hot water.

The nursing home must ensure:

(1) The hot water system maintains water temperatures at one hundred ten degrees Fahrenheit, plus or minus ten degrees Fahrenheit, at fixtures used by residents and staff.

(2) For laundry temperatures, refer to WAC 388-97-2780.

(3) For dishwashing temperatures, refer to chapter 246-215 WAC.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3320, filed 9/24/08, effective 11/1/08.]

388-97-3340
Cross connections.

The nursing home must:

(1) Prohibit all cross connections between potable and nonpotable water;

(2) Use backflow prevention devices on plumbing fixtures, equipment, facilities, buildings, premises or areas which are actual or potential cross-connections to prevent the backflow of water or other liquids, gases, mixtures or substances into a water distribution system or other fixtures, equipment, facilities, buildings or areas; and

(3) Follow guidelines, practices, procedures, interpretations and enforcement as outlined in the manual titled "Accepted Procedure and Practice in Cross-Connection Control; Pacific NW Edition; American Waterworks Association," or any successor manual, referenced in chapter 246-290 WAC for public water supply.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3340, filed 9/24/08, effective 11/1/08.]

388-97-3360
Pest control.

The nursing home must:

(1) Maintain an effective pest control program so that the facility is free of pests such as rodents and insects;

(2) Construct and maintain buildings to prevent the entrance of pests such as rodents and insects; and

(3) Provide mesh screens or equivalent with a minimum mesh of one-sixteenth inch on all windows and other openings that can be left open.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3360, filed 9/24/08, effective 11/1/08.]

388-97-3380

Sewage and liquid waste disposal.

The nursing home must ensure:

(1) All sewage and liquid wastes are discharged into an approved public sewage system where such system is available; or

(2) Sewage and liquid wastes are collected, treated, and disposed of in an on-site sewage system in accordance with chapter 246-272A WAC and meets with the approval of the local health department and/or the state department of health.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3380, filed 9/24/08, effective 11/1/08.]

388-97-3400
General new construction documents.

(1) The project sponsor must submit plans for all new construction to the department of health, construction review, for review and approval. Documents must be approved before the work begins. The project sponsor must also submit documents to department of health, certificate of need for review and applicable determination.

(2) The nursing home may request exemptions to new construction requirements as described in WAC 388-97-3500.

(3) If the proposed project is not extensive enough to require professional architectural or engineering services, the project sponsor must submit a written description to the department of health, construction review, to determine if WAC 388-97-3440 applies.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3400, filed 9/24/08, effective 11/1/08.]

388-97-3420
Preliminary new construction documents.

If preliminary documents and specifications are submitted, they must:

(1) Include a narrative program with drawings. Copies of these documents must be sent to the department of health, certificate of need and construction review, and to aging and disability

services administration. The narrative program must identify:

(a) How the design promotes a homelike environment and facilitates resident-centered care and services;

(b) Functional space requirements;

(c) Staffing patterns;

(d) Each function to be performed;

(e) Types of equipment required; and

(f) Services that will not be provided directly, but will instead be provided through contract.

(2) Refer to WAC 388-97-3400(3), if the proposed project is not extensive enough to require professional architectural or engineering services.

(3) Be drawn to scale and include:

(a) A site plan showing streets, entrance ways, driveways, parking, design statements for adequate water supply, sewage and disposal systems, space for the storage of recycled materials, and the arrangement of buildings on the site noting handicapped accessible parking and entrances;

(b) Floor plans showing existing and proposed arrangements within the building, including the fixed and major movable equipment; and

(c) Each room, space, and corridor identified by function and number.

(4) Include a general description of construction and materials, including interior finishes.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3420, filed 9/24/08, effective 11/1/08.]

388-97-3440
Final new construction documents.

(1) Construction must not start until at least two sets of final construction documents drawn to scale with complete specifications have been submitted to and approved by the department of health, construction review, in coordination with aging and disability services administration and the department of health, certificate of need.

(2) An architect or engineer licensed by the state of Washington must prepare, stamp, sign, and date the final construction documents.

(3) Construction documents that are changed after approval by the department of health, construction review, require resubmission before any construction on the proposed change is started.

(4) The construction of the facility must follow the final approved construction documents.

(5) These drawings and specifications must show complete details to be furnished to contractors for construction of the buildings, including:

(a) Site plan;

(b) Drawings of each floor of the building, including fixed equipment;

(c) Elevations, sections, and construction details;

(d) Schedule of floor, wall, and ceiling finishes, door and window sizes and types, and door finish hardware;

(e) Mechanical and electrical systems;

(f) Provision for noise, dust, smoke, and draft control, fire protection, safety and comfort of the residents if construction work takes place in or near occupied areas; and

(g) Landscape plans and vegetation planting schedules for dementia care units.

(6) A reduced set of the final construction floor plans on eight and one half by eleven inch or eleven by seventeen inch sheets showing each room function and number must be submitted.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3440, filed 9/24/08, effective 11/1/08.]

388-97-3460
Preinstallation submissions for new construction.

The department of health, construction review, must receive and approve preinstallation submissions prior to installation. Preinstallation submissions may include any or all of the

following:

(1) Stamped shop drawings, hydraulic calculations, and equipment information sheets for fire sprinkler system(s);

(2) Shop drawings, battery calculations, and equipment information sheets for fire detection and alarm systems;

(3) Shop drawings and equipment information sheets for a kitchen hood and duct automatic fire extinguishing system;

(4) Drawings and equipment information sheets for special egress control devices; and

(5) Drawings and/or a finish schedule denoting areas to be carpeted with:

(a) A coding system identifying type of carpet in each area;

(b) A copy the manufacturer's specifications for each type of carpet; and

(c) A copy of a testing laboratory report of the radiant panel and smoke density tests for each type of carpet.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3460, filed 9/24/08, effective 11/1/08.]

388-97-3480
New construction timelines.

(1) Construction documents must be resubmitted for review as a new project according to current requirements if construction:

(a) Has not started within one year from the date of approval; or

(b) Is not completed within two years from the date of approval.

(2) To obtain an extension beyond two years, a written request must be submitted and approved thirty days prior to the end of the two-year period.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3480, filed 9/24/08, effective 11/1/08.]

388-97-3500
Exemptions to new construction requirements.

(1) The director of residential care services, aging and disability services administration, may grant exemptions to new construction requirements for:

(a) Alterations when the applicant demonstrates the proposed alterations will serve to correct deficiencies or will upgrade the nursing home in order to better serve residents; and

(b) Substitution of procedures, materials, or equipment for requirements specified in this chapter when such procedures, materials, or equipment have been demonstrated to the director's satisfaction to better serve residents.

(2) The nursing home must ensure requests for exemptions are in writing and include any necessary approvals from the local code enforcement authority and the state fire marshal.

(3) The nursing home must ensure all exemptions granted under the foregoing provisions are kept on file at the nursing home.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3500, filed 9/24/08, effective 11/1/08.]

388-97-3520
State building code in new construction.

The nursing home must through its design, construction and necessary permits demonstrate compliance with the following codes and local jurisdiction standards. The nursing home that submitted plans for construction review after July 1, 2007 must also comply with the following International Building Codes and Standards:

(1) The International Building Code, and International Building Code Standards, as published by the International Conference of Building Officials as amended and adopted by the Washington state building code council and published as chapter 51-50 WAC, or successor laws;

(2) The International Mechanical Code, including chapter 22, Fuel Gas Piping, Appendix B, as published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials as amended and adopted by the Washington

state building code council and published as chapter 51-52 WAC, or successor laws;

(3) The International Fire Code, and International Fire Code Standards, as published by the International Conference of Building Officials and the Western Fire Chiefs Association as amended and adopted by the Washington state building code council and published as chapter 51-54 WAC, or successor laws;

(4) The Uniform Plumbing Code, and Uniform Plumbing Code Standards, as published by the International Association of Plumbing and Mechanical Officials, as amended and adopted by the Washington state building code council and published as chapters 51-56 and 51-57 WAC, or successor laws;

(5) The Washington state ventilation and indoor air quality code, as adopted by the Washington state building code council and filed as chapter 51-13 WAC, or successor laws; and

(6) The Washington state energy code, as amended and adopted by the Washington state building code council and filed as chapter 51-11 WAC, or successor laws.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3520, filed 9/24/08, effective 11/1/08.]

388-97-3540
Electrical codes and standards in new construction.

The nursing home must ensure that all electrical wiring complies with state and local electrical codes including chapter 296-46B WAC and the National Electric Code of the National Fire Protection Association (NFPA-70) as adopted by the Washington state department of labor and industries.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3540, filed 9/24/08, effective 11/1/08.]

388-97-3560
Elevator codes in new construction.

The nursing home must ensure that elevators are installed in accordance with chapter 296-96 WAC.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3560, filed 9/24/08, effective 11/1/08.]

388-97-3580
Local codes and ordinances in new construction.

The nursing home must:

(1) Follow all local ordinances relating to zoning, building, and environmental standards; and

(2) Obtain all local permits before construction and keep permits on file at the nursing home.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3580, filed 9/24/08, effective 11/1/08.]

388-97-3600
Entrances and exits in new construction.

The nursing home must have the main entrances and exits sheltered from the weather and barrier free accessible in accordance with chapter 51-50 WAC.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3600, filed 9/24/08, effective 11/1/08.]

388-97-3620
Lobbies in new construction.

The nursing home must have a lobby or area in close proximity to the main entrance that is barrier free accessible and includes:

(1) Waiting space with seating accommodations;

(2) A reception and information area;

(3) Space to accommodate persons in wheelchairs;

(4) A public restroom;

(5) A drinking fountain; and

(6) A public telephone.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3620, filed 9/24/08, effective 11/1/08.]

388-97-3640
Interview space in new construction.

The nursing home must have interview spaces for private interviews relating to social service and admission.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3640, filed 9/24/08, effective 11/1/08.]

388-97-3660
Offices in new construction.

The nursing home must provide:

(1) Office space convenient to the work area for the administrator, the director of nursing services, medical records staff, social services staff, activities director, and other personnel as appropriate;

(2) Work space for physicians and outside consultants;

(3) Space for locked storage of health records which provides for fire and water protection; and

(4) Space for the safe storage and handling of financial and business records.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3660, filed 9/24/08, effective 11/1/08.]

388-97-3680
Inservice education space in new construction.

The nursing home must provide space for employee inservice education that will not infringe upon resident space.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3680, filed 9/24/08, effective 11/1/08.]

388-97-3700
Staff areas in new construction.

The nursing home must ensure a lounge, lockers, and toilets are provided convenient to the work areas for employees and volunteers.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3700, filed 9/24/08, effective 11/1/08.]

388-97-3720
Visiting and private space in new construction.

The nursing home must design a separate room or areas for residents to have family and friends visit and for residents to spend time alone. The nursing home must ensure these areas provide:

(1) Space which facilitates conversation and privacy; and

(2) Access to a common-use toilet facility.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3720, filed 9/24/08, effective 11/1/08.]

388-97-3740
Outdoor recreation space and walkways in new construction.

A nursing home must provide a safe, protected outdoor area for resident use. The nursing home must ensure the outdoor area has:

(1) Shaded and sheltered areas to meet residents needs;

(2) Accessible walking surfaces which are firm, stable, and free from cracks and abrupt changes with a maximum of one inch between sidewalk and adjoining landscape areas;

(3) Sufficient space and outdoor furniture provided with flexibility in arrangement of the furniture to accommodate residents who use wheelchairs and mobility aids;

(4) Shrubs, natural foliage, and trees; and

(5) If used as a resident courtyard, the outdoor area must not be used for public or service deliveries.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3740, filed 9/24/08, effective 11/1/08.]

388-97-3760
Pools in new construction.

The nursing home must ensure swimming pools, spas, and tubs which remain filled between uses meet the requirements in chapter 246-260 WAC.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3760, filed 9/24/08, effective 11/1/08.]

388-97-3780
Pharmacies in new construction.

The nursing home must ensure that an on-site pharmacy meets the requirements of the Washington state board of pharmacy per chapters 18.64 RCW and 246-865 WAC.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3780, filed 9/24/08, effective 11/1/08.]

388-97-3800
Elevators in new construction.

The nursing home must:

(1) Ensure that all buildings having residential use areas or service areas that are not located on the main entrance floor, have an elevator; and

(2) Have at least one elevator sized to accommodate a resident bed and attendant for each sixty beds on floors other than the main entrance floor.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3800, filed 9/24/08, effective 11/1/08.]

388-97-3840
Walking surfaces in a new building or addition.

The nursing must ensure that:

(1) An abrupt change in the walking surface level including at door thresholds which are greater than one quarter inch are beveled to a one vertical in two horizontal; and

(2) Changes in the walking surface level greater than one half inch are accomplished by means of a ramp with a maximum slope of one vertical in twelve horizontal.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3840, filed 9/24/08, effective 11/1/08.]

388-97-3860
Doors in new construction.

The nursing home must ensure doors to:

(1) Resident rooms provide a minimum of forty-four inches clear width;

(2) Resident bathrooms and toilet rooms are a minimum of thirty-two inches clear width for wheelchair access;

(3) All resident toilet rooms and bathing facilities open outward except if doors open directly into a resident occupied corridor;

(4) Toilet rooms and bathrooms have single action locks, and a means of unlocking doors from the outside;

(5) Occupied areas do not swing into corridors; and

(6) All passages are arranged so that doors do not open onto or obstruct other doors while maintaining resident dignity.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3860, filed 9/24/08, effective 11/1/08.]

388-97-3880
Floor finishes in new construction.

The nursing home must ensure:

(1) Floors at all outside entrances have slip-resistant finishes both inside and outside the entrance even when wet; and

(2) All uncarpeted floors are smooth, nonabsorbent and easily cleanable.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3880, filed 9/24/08, effective 11/1/08.]

388-97-3900
Carpets in new construction.

The nursing home must ensure that department of health, construction review approves of all carpet installation.

(1) Carpets may be used in all areas except: Toilet rooms, bathrooms, kitchen, laundry, utility rooms, medication rooms, maintenance, isolation rooms if provided, and areas subject to high moisture or flooding. Specifications for acceptable carpeting are:

(a) Pile yarn fibers are easily cleanable;

(b) Pile is looped texture in all resident use areas. Cut pile may be used in nonresident use areas;

(c) Average pile density of five thousand ounces per cubic yard in resident use areas and four thousand ounces per cubic yard in nonresident areas. The formula for calculating the density of the carpet is: Yarn weight in ounces times 36, divided by pile height in inches equals ounces per cubic yard of density; and

(d) A maximum pile height of .255 inches in resident use areas and .312 inches in nonresident use areas.

(2) Carpets must:

(a) Be cemented to the floor; and

(b) Have the edges covered and top set base with toe at all wall junctures.

(3) When recarpeting, the safety of residents must be assured during and after recarpeting installation within the room or area. The nursing home must ensure the room or area is:

(a) Well ventilated;

(b) Unoccupied; and

(c) Unavailable for use until room is free of volatile fumes and odors.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3900, filed 9/24/08, effective 11/1/08.]

388-97-3920
Coving in new construction.

The nursing home must ensure:

(1) Kitchens, restrooms, laundry, utility rooms, and bathing areas have integral coves of continuous commercial grade sheet vinyl, bullnose ceramic tile or sealed bullnose quarry tile at least six inches in height; and

(2) All other wall junctions have either integral coving or top set base with toe.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3920, filed 9/24/08, effective 11/1/08.]

388-97-3940
Walls in new construction.

The nursing home must ensure:

(1) Wall finishes are easily cleanable;

(2) A water-resistant finish extends above the splash line in all rooms or areas subject to splash or spray, such as bathing facilities with tubs only, toilet rooms, janitors' closets, and can-wash areas; and

(3) Bathing facilities with showers have a water-resistant finish extending to the ceiling.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3940, filed 9/24/08, effective 11/1/08.]

388-97-3960
Accessories in new construction.

The nursing home must provide the following accessories with the necessary backing, if

required, for mounting:

(1) Usable countertop area and mirror at each handwashing sink in toilet rooms and resident rooms;

(2) Towel or robe hooks at each handwashing sink in resident rooms and at each bathing facility;

(3) A robe hook at each bathing facility, toilet room and in examination room or therapy area, including outpatient therapy rooms;

(4) A securely mounted toilet paper holder properly located within easy reach of the user at each toilet fixture;

(5) Sanitary seat covers at each public and employee use toilet;

(6) Open front toilet seats on all toilets;

(7) Dispensers for paper towels and handwashing soap at each handwashing sink, and bathing facility;

(8) Sanitary napkin dispensers and disposers in public and employee women's toilet rooms; and

(9) Grab bars that are easily cleanable and resistant to corrosion and securely mounted.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3960, filed 9/24/08, effective 11/1/08.]

388-97-3980
Miscellaneous in new construction.

The nursing home must ensure:

(1) Rooms and service areas are identified by visible and tactile signs, refer to WAC 388-97-2900(2) for possible exceptions; and

(2) Equipment and casework is designed, manufactured and installed for ease of proper cleaning and maintenance, and suitable for the functions of each area.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3980, filed 9/24/08, effective 11/1/08.]

388-97-4000
Heating systems in new construction.

The nursing home must ensure:

(1) The heating system is capable of maintaining a temperature of seventy-five degrees Fahrenheit for areas occupied by residents and seventy degrees Fahrenheit for nonresident areas;

(2) Resident rooms have individual temperature control, except in a dementia care unit controls may be covered, locked, or placed in an inconspicuous place;

(3) The following is insulated within the building:

(a) Pipes conducting hot water which are exposed to resident contact; and

(b) Air ducts and casings with outside surface temperatures below ambient dew point.

(4) Insulation on cold surfaces includes an exterior vapor barrier; and

(5) Electric resistant wall heat units are prohibited in new construction.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4000, filed 9/24/08, effective 11/1/08.]

388-97-4020
Cooling systems in new construction.

The nursing home must have:

(1) A mechanical cooling system capable of maintaining a temperature of seventy-five degrees Fahrenheit for areas occupied by residents; and

(2) A cooling system that has mechanical refrigeration equipment to provide summer air conditioning to resident areas, food preparation areas, laundry, medication rooms, and therapy areas by either a central system with distribution ducts or piping, or packaged room or zonal air

conditioners.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4020, filed 9/24/08, effective 11/1/08.]

388-97-4040
Ventilation systems in new construction.

The nursing home must ensure:

(1) Ventilation of all rooms is designed to prevent objectionable odors, condensation, and direct drafts on the residents;

(2) All habitable space is mechanically ventilated including:

(a) Air supply and air exhaust systems;

(b) Installation of air-handling duct systems according to the requirements of the International Mechanical Code and chapter 51-52 WAC;

(c) Installation of supply registers and return air grilles at least three inches above the floor;

(d) Installation of exhaust grilles on or near the ceiling; and

(e) Outdoor air intakes located a minimum of twenty-five feet from the exhaust from any ventilating system, combustion equipment, or areas which may collect vehicular exhaust and other noxious fumes, and a minimum of ten feet from plumbing vents. The nursing home must locate the bottom of outdoor air intakes serving central systems a minimum of three feet above adjoining grade level or, if installed through the roof, three feet above the highest adjoining roof level.

(3) Minimum ventilation requirements meet the pressure relationship and ventilation rates per ASHRAE 2007 HVAC Applications Chapter 7.11 Table 6, Pressure Relationships and Ventilation of Certain Areas of Nursing Homes.

TABLE 6

PRESSURE RELATIONSHIPS AND VENTILATION OF CERTAIN AREAS OF NURSING HOMES

Minimum
Air

Function Area	Pressure Relationship To Adjacent Areas[1,2]	Changes of Outdoor Air Per Hour Supplied To Room	Minimum Total Air Changes Per Hour Supplied To Room	All Air Exhausted Directly To Outdoors	Air Recirculated Within Room Units
RESIDENT CARE					
Resident room (holding room)	±	2	4	Optional	Optional
Resident corridor	±	Optional	2	Optional	Optional
Toilet room	N	Optional	10	Yes	No
Resident gathering (dining, activity)	±	2	4	Optional	Optional
DIAGNOSTIC AND TREATMENT					
Examination room	±	2	6	Optional	Optional
Physical therapy[3]	N	2	6	Optional	Optional
Occupational therapy[3]	N	2	6	Optional	Optional
Soiled workroom or soiled holding	N	2	10	Yes	No
Clean workroom or	P	2	4	Optional	Optional

clean holding					
STERILIZING AND SUPPLY					
Sterilizer exhaust room	N	Optional	10	Yes	No
Linen and trash chute room	N	Optional	10	Yes	No
Laundry, general[3]	±	2	10	Yes	No
Soiled linen sorting and storage	N	Optional	10	Yes	No
Clean linen storage	P	Optional	2	Yes	No
SERVICE					
Food preparation center[3]	±	2	10	Yes	Yes
Warewashing room[3]	N	Optional	10	Yes	Yes
Dietary day storage	±	Optional	2	Yes	No
Janitor closet	N	Optional	10	Yes	No
Bathroom	N	Optional	10	Yes	No
Personal services (barber/salon)	N	2	10	Yes	No

1/ P=Positive N=Negative ±=Continuous directional control not required.

2/ Whether positive or negative, pressure must be a minimum of seventy cubic feet per minute (CFM).

3/ The volume of air may be reduced up to fifty percent in these areas during periods of nonuse. The soiled holding area of the general laundry must maintain its full ventilation capacity at all times.

(4) Individual exhaust systems meet the following requirements:

(a) Where individual mechanical exhaust systems are used to exhaust individual toilet rooms or bathrooms, the individual ventilation fans are interconnected with room lighting to ensure ventilation while room is occupied. The ventilation fan must have a time delay shutoff to ensure that the exhaust continues for a minimum of five minutes after the light switch is turned off; and

(b) The volume of air removed from the space by exhaust ventilation is replaced directly or indirectly by an equal amount of tempered/conditioned air.

(5) Central exhaust systems meet the following requirements:

(a) All fans serving central exhaust systems are located to prevent a positive pressure in the duct passing through an occupied area; and

(b) Fire and smoke dampers are located and installed in accordance with the International Building Code, Standards and amendments in chapter 51-50 WAC.

(6) Air filters meet the following requirements:

(a) All central ventilation or air-conditioning systems are equipped with filters per ASHRAE 2007 HVAC Applications Chapter 7.11 Table 5, Filter Efficiencies for Central Ventilation and Air Conditioning Systems in Nursing Homes and meet the following requirements:

Table 5

Filter Efficiencies for Central Ventilation and Air-Conditioning Systems in Nursing Homes

FUNCTION AREA	Minimum Number of Filter Beds	Filter Efficiency of Main Filter Bed, MERV*
Resident care, treatment, diagnostic, and	1	15

related areas		
Food preparation areas and laundries	1	8
Administrative, bulk storage, and soiled holding areas	1	6

*MERV = Minimum Efficiency Reporting Value

(b) Central ventilation or air conditioning systems means any system serving more than a single room used by residents or by any group of rooms serving the same utility function (i.e., the laundry);

(c) Filter efficiency is warranted by the manufacturer and is based on atmospheric dust spot efficiency per ASHRAE Standard 52.2;

(d) The filter bed is located upstream of the air-conditioning equipment, unless a prefilter is employed. In which case, the prefilter is upstream of the equipment and the main filter bed may be located downstream;

(e) Filter frames are durable and provide an airtight fit with the enclosing duct work. All joints between filter segments and enclosing duct work are gasketed or sealed;

(f) All central air systems have a manometer installed across each filter bed with an alarm to signal high pressure differential; and

(g) Humidifiers, if provided, are a steam type.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4040, filed 9/24/08, effective 11/1/08.]

388-97-4060
Handwashing sinks in new construction.

The nursing home must provide a handwashing sink in each toilet room and exam room.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-

4060, filed 9/24/08, effective 11/1/08.]

388-97-4080
Drinking fountains in new construction.

Where drinking fountains are installed, the nursing home must ensure the fountains are of the inclined jet, sanitary type.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4080, filed 9/24/08, effective 11/1/08.]

388-97-4100
Mixing valves or mixing faucets in new construction.

The nursing home must provide each fixture, except toilet fixtures and special use fixtures, with hot and cold water through a mixing valve or mixing faucet.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4100, filed 9/24/08, effective 11/1/08.]

388-97-4120
Spouts in new construction.

The nursing home must ensure all lavatories and sinks in resident rooms, resident toilet rooms, and utility and medication areas have gooseneck spouts, without aerators in areas requiring infection control.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4120, filed 9/24/08, effective 11/1/08.]

388-97-4140
Faucet controls in new construction.

The nursing home must provide wrist blade, single-lever controls or their equivalent at all sinks and lavatories. The nursing home must:

(1) Provide at least four inch wrist blades and/or single-levers;

(2) Provide sufficient space for full open and closed operation; and

(3) Color-code and label faucet controls to indicate "hot" and "cold."

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4140, filed 9/24/08, effective 11/1/08.]

388-97-4160
Initial nursing home license.

(1) A complete nursing home license application must be:

(a) Submitted at least sixty days prior to the proposed effective date of the license on forms designated by the department;

(b) Signed by the proposed licensee or the proposed licensee's authorized representative;

(c) Notarized; and

(d) Reviewed by the department in accordance with this chapter.

(2) All information requested on the license application must be provided. At minimum, the nursing home license application will require the following information:

(a) The name and address of the proposed licensee, and any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee;

(b) The names of the administrator, director of nursing services, and, if applicable, the management company;

(c) The specific location and the mailing address of the facility for which a license is sought;

(d) The number of beds to be licensed; and

(e) The name and address of all nursing homes that the proposed licensee or any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee has been affiliated with in the past ten years.

(3) The proposed licensee must be:

(a) The individual or entity responsible for the daily operation of the nursing home;

(b) Denied the license if any individual or entity named in the application is found by the department to be unqualified.

(4) For initial licensure of a new nursing home, the proposed licensee must submit the annual license fee with the initial license application. The nonrefundable nursing home license fee is three hundred twenty seven dollars per bed per year.

(5) If any information submitted in the initial license application changes before the license is issued, the proposed licensee must submit a revised application containing the changed information.

(6) If a license application is pending for more than six months, the proposed licensee must submit a revised application containing current information about the proposed licensee or any other individuals or entities named in the application.

[Statutory Authority: RCW 18.51.050, 43.135.055, and 2010 c 37 § 206 (19)(a). 10-21-037, § 388-97-4160, filed 10/12/10, effective 10/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4160, filed 9/24/08, effective 11/1/08.]

388-97-4166
Liability insurance required.

The nursing home must:

(1) Obtain liability insurance upon licensure and maintain the insurance as required in WAC 388-97-4167 and 388-97-4168; and

(2) Have evidence of liability insurance coverage available if requested by the department.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-4166, filed 12/29/09, effective 1/29/10.]

388-97-4167
Liability insurance required — Commercial general liability insurance or business liability insurance coverage.

The nursing home must have commercial general liability insurance or business liability insurance that includes:

(1) Coverage for the acts and omissions of any employee and volunteer;

(2) Coverage for bodily injury, property damage, and contractual liability;

(3) Coverage for premises, operations, independent contractors, products-completed operations, personal injury, advertising injury, and liability assumed under an insured contract; and

(4) Minimum limits of:

(a) Each occurrence at one million dollars; and

(b) General aggregate at two million dollars.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-4167, filed 12/29/09, effective 1/29/10.]

388-97-4168
Liability insurance required — Professional liability insurance coverage.

The nursing home must have professional liability insurance or errors and omissions insurance. The insurance must include:

(1) Coverage for losses caused by errors and omissions of the nursing home, its employees, and volunteers; and

(2) Minimum limits of:

(a) Each occurrence at one million dollars; and

(b) Aggregate at two million dollars.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-4168, filed 12/29/09, effective 1/29/10.]

388-97-4180
Nursing home license renewal.

(1) All nursing home licenses must be renewed annually.

(2) License renewals must be:

(a) Submitted at least thirty days prior to the license's expiration date on forms designated by the department;

(b) Signed by the current licensee; and

(c) Reviewed by the department in accordance with this chapter.

(3) The current licensee must provide all information on the license renewal form or other information requested by the department.

(4) The application for a nursing home license renewal must be made by the individual or entity currently licensed and responsible for the daily operation of the nursing home.

(5) The nursing home license renewal fee must be submitted at the time of renewal. The nonrefundable nursing home license renewal fee is three hundred twenty seven dollars per bed per year.

(6) In unusual circumstances, the department may issue an interim nursing home license for a period not to exceed three months. The current licensee must submit the prorated nursing home license fee for the period covered by the interim license. The annual date of license renewal does not change when an interim license is issued.

(7) A change of nursing home ownership does not change the date of license renewal and fee payment.

[Statutory Authority: RCW 18.51.050, 43.135.055, and 2010 c 37 § 206 (19)(a). 10-21-037, § 388-97-4180, filed 10/12/10, effective 10/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4180, filed 9/24/08, effective 11/1/08.]

388-97-4200
Department review of initial nursing home license applications.

(1) All initial nursing home license applications must be reviewed by the department under this chapter.

(2) The department will not begin review of an incomplete license application.

(3) The proposed licensee must respond to any department request for additional information within five working days.

(4) When the application is determined to be complete, the department will consider the proposed licensee or any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee, separately and jointly, in its review. The department will review:

(a) The information contained in the application;

(b) Survey and complaint investigation citations in every facility each individual and entity named in the application has been affiliated with during the past ten years;

(c) Compliance history;

(d) Financial assessments;

(e) Actions against the proposed licensee (i.e., revocation, suspension, refusal to renew, etc.);

(f) All criminal convictions, and relevant civil or administrative actions or findings including, but not limited to, findings, including professional disciplinary actions, and findings of abuse, neglect, exploitation, abandonment, or domestic violence resulting from a civil adjudication proceeding; and

(g) Other relevant information.

(5) The department will notify the proposed licensee of the results of the review.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-4200, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4200, filed 9/24/08, effective 11/1/08.]

388-97-4220
Reasons for denial, suspension, modification, revocation of, or refusal to renew a nursing home license.

(1) The department may deny, suspend, modify, revoke, or refuse to renew a nursing home license when the department finds the proposed or current licensee, or any partner, officer, director, managing employee, owner of five percent or more of the proposed or current licensee of the nursing home, owner of five percent or more of the assets of the nursing home, proposed or current administrator, or employee or individual providing nursing home care or services has:

(a) Failed or refused to comply with the:

(i) Requirements established by chapters 18.51, 74.42, or 74.46 RCW and regulations adopted under these chapters; or

(ii) Medicaid requirements of Title XIX of the Social Security Act and medicaid regulations, including 42 CFR, Part 483.

(b) A history of significant noncompliance with federal or state regulations in providing nursing home care;

(c) No credit history or a poor credit history;

(d) Engaged in the illegal use of drugs or the excessive use of alcohol or been convicted of "crimes relating to drugs" as defined in RCW 43.43.830, unless subsection (3)(c) applies;

(e) Unlawfully operated a nursing home, or long term care facility as defined in RCW 70.129.010, without a license or under a revoked or suspended license;

(f) Previously held a license to operate a hospital or any facility for the care of children or vulnerable adults, and that license has been revoked, or suspended, or the licensee did not seek renewal of the license following written notification of the licensing agency's initiation of revocation or suspension of the license;

(g) Obtained or attempted to obtain a license by fraudulent means or misrepresentation;

(h) Permitted, aided, or abetted the commission of any illegal act on the nursing home premises;

(i) Been convicted of a felony or other crime that would not be automatically disqualifying under RCW 74.39A.050(8) or this chapter, if the conviction reasonably relates to the competency of the individual to own or operate a nursing home;

(j) Had a sanction, corrective, or remedial action taken by federal, state, county or municipal officials or safety officials related to the care or treatment of children or vulnerable adults;

(k) Failed to:

(i) Provide any authorization, documentation, or information the department requires in order to verify information contained in the application;

(ii) Meet financial obligations as the obligations fall due in the normal course of business;

(iii) Verify additional information the department determines relevant to the application;

(iv) Report abandonment, abuse, neglect or financial exploitation in violation of chapter 74.34 RCW; or in the case of a skilled nursing facility or nursing facilities, failure to report as required by 42 C.F.R. 483.13; or

(v) Pay a civil fine the department assesses under this chapter within ten days after assessment becomes final.

(l) Been certified pursuant to RCW 74.20A.320 as a person who is not in compliance with a child support order (license suspension only);

(m) Knowingly or with reason to know makes a false statement of a material fact in the application for a license or license renewal, in attached data, or in matters under department investigation;

(n) Refused to allow department representatives or agents to inspect required books, records, and files or portions of the nursing home premises;

(o) Willfully prevented, interfered with, or attempted to impede the work of authorized department representatives in the:

(i) Lawful enforcement of provisions under this chapter or chapters 18.51 or 74.42 RCW; or

(ii) Preservation of evidence of violations of provisions under this chapter or chapters 18.51 or 74.42 RCW.

(p) Retaliated against a resident or employee initiating or participating in proceedings specified under RCW 18.51.220; or

(q) Discriminated against medicaid recipients as prohibited under RCW 74.42.055.

(2) In determining whether there is a history of significant noncompliance with federal or state regulations under subsection (1)(b), the department may, at a minimum, consider:

(a) Whether the violation resulted in a significant harm or a serious and immediate threat to the health, safety, or welfare of any resident;

(b) Whether the proposed or current licensee promptly investigated the circumstances surrounding any violation and took steps to correct and prevent a recurrence of a violation;

(c) The history of surveys and complaint investigation findings and any resulting enforcement actions;

(d) Repeated failure to comply with regulations;

(e) Inability to attain compliance with cited deficiencies within a reasonable period of time; and

(f) The number of violations relative to the number of facilities the proposed or current licensee, or any partner, officer, director, managing employee, employee or individual providing nursing home care or services has been affiliated within the past ten years, or owner of five percent or more of the proposed or current licensee or of the assets of the nursing home.

(3) The department must deny, suspend, revoke, or refuse to renew a proposed or current licensee's nursing home license if the proposed or current licensee or any partner, officer, director, managing employee, owner of five percent or more of the proposed or current licensee of the nursing home or owner of five percent or more of the assets of the nursing home, proposed or current administrator, or employee or individual providing nursing home care or services has been:

(a) Convicted of a "crime against children or other persons" as defined under RCW 43.43.830 unless the individual has been convicted of one of the two crimes listed below and the required number of years has passed between the most recent conviction and the date of the application for employment:

(i) Simple assault, assault in the fourth degree, or the same offense as it may hereafter be renamed, and three or more years have passed;

(ii) Prostitution, or the same offense as it may hereafter be renamed, and three or more years have passed.

(b) Convicted of a "crime relating to financial exploitation" as defined under RCW 43.43.830 unless the individual has been convicted of one of the three crimes listed below and the required number of years has passed between the most recent conviction and the date of the application for employment:

(i) Theft in the second degree, or the same offense as it may hereafter be renamed, and five or more years have passed;

(ii) Theft in the third degree, or the same offense as it may hereafter be renamed, and three or more years have passed; or

(iii) Forgery, or the same offense as it may hereafter be renamed, and five or more years have passed.

(c) Convicted of:

(i) Violation of the imitation controlled substances act (VICSA);

(ii) Violation of the uniform controlled substances act (VUCSA);

(iii) Violation of the uniform legend drug act (VULDA); or

(iv) Violation of the uniform precursor drug act (VUPDA).

(d) Convicted of sending or bringing into the state depictions of a minor engaged in sexually explicit conduct;

(e) Convicted of criminal mistreatment;

(f) Found by a court in a criminal proceeding or a protection proceeding under chapter 74.34 RCW, or any comparable state or federal law, to have abandoned, abused, neglected or financially exploited a vulnerable adult;

(g) Found in any final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or an individual with a developmental disability or to have abused, neglected, abandoned, or financially exploited any vulnerable adult;

(h) Found in any dependency action to have sexually assaulted or exploited any minor or to have physically abused any minor;

(i) Found by a court in a domestic relations proceeding under Title 26 RCW, or any comparable state or federal law, to have sexually abused or exploited any minor or to have physically abused any minor;

(j) Found to have abused or neglected a child, and the finding is:

(i) Listed on the department's background check central unit (BCCU) report; or

(ii) Disclosed by the individual, except for findings made before December, 1998.

(k) Found to have abandoned, abused, neglected, or financially exploited a vulnerable adult, and the finding is:

(i) Listed on any registry, including the department registry;

(ii) Listed on the department's background check central unit (BCCU) report; or

(iii) Disclosed by the individual, except for adult protective services findings made before October, 2003.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-4220, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4220, filed 9/24/08, effective 11/1/08.]

388-97-4240
Appeal of the department's licensing decision.

A proposed or current licensee contesting a department licensing decision must file a written request for an administrative hearing within twenty days of receipt of the decision.

The appeals process and requirements are set forth in WAC 388-97-4440.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4240, filed 9/24/08, effective 11/1/08.]

388-97-4260
Management agreements.

(1) The licensee is responsible for the daily operations of the nursing home.

(2) As used in this section:

(a) **"Management agreement,"** means a written, executed, agreement between the licensee and another individual or entity regarding the provision of certain services in a nursing home; and

(b) **"Manager"** refers to the individual or entity providing services under a management agreement.

(3) The licensee may not give the manager responsibilities that are so extensive that the licensee is relieved of responsibility for the daily operations and provisions of services of the

facility. If the licensee does so, then the department must determine that a change of ownership has occurred.

(4) The proposed licensee or the current licensee must notify the residents and their representatives sixty days before entering into a management agreement.

(5) The department must receive a written management agreement, including an organizational chart showing the relationship between the proposed or current licensee, management company, and all related organizations:

(a) Sixty days before:

(i) The proposed change of ownership date;

(ii) The initial licensure date; or

(iii) The effective date of the management agreement; or

(b) Thirty days before the effective date of any amendment to an existing management agreement.

(6) Management agreements, at minimum must:

(a) Create a principal/agent relationship between the licensee and the manager;

(b) Describe the responsibilities of the licensee and manager, including items, services, and activities to be provided;

(c) Require the licensee's governing body, board of directors, or similar authority to appoint the facility administrator;

(d) Provide for maintenance and retention of all records as applicable according to rules and regulations;

(e) Allow unlimited access by the department to documentation and records according to applicable laws or regulations;

(f) Require the licensee to participate in monthly oversight meetings and quarterly on-site visits to the facility;

(g) Require the manager to immediately send copies of surveys and notices of noncompliance to the licensee;

(h) State that the licensee is responsible for ensuring all licenses, certifications, and accreditations are obtained and maintained;

(i) State that the manager and licensee will review the management agreement annually and notify the department of changes according to applicable regulations;

(j) Acknowledge that the licensee is the party responsible for meeting state and federal licensing and certification requirements;

(k) Require the licensee to maintain ultimate responsibility over personnel issues relating to the operation of the nursing home and care of the residents, including but not limited to, staffing plans, orientation, and training;

(l) Require that, even if day-to-day management of the trust funds are delegated, the licensee:

(i) Retains all fiduciary and custodial responsibility for funds that have been deposited with the nursing home by the resident; and

(ii) Is directly accountable to the residents for such funds.

(m) Provide that if any responsibilities for the day-to-day management of the resident trust fund are delegated to the manager, then the manager must:

(i) Provide the licensee with a monthly accounting of the resident funds; and

(ii) Meet all legal requirements related to holding, and accounting for, resident trust funds; and

(n) State that the manager will not represent itself or give the appearance it is the licensee.

(7) Upon receipt of a proposed management agreement, the department may require:

(a) The licensee or manager to provide additional information or clarification;

(b) Any changes necessary to:

(i) Bring the management agreement into compliance with this section; and

(ii) Ensure that the licensee has not been relieved of the responsibility for the daily operations of the facility; and

(c) More frequent contact between the licensee and manager under subsection (6)(f).

(8) The licensee and manager must act in accordance with the terms of the management agreements. If the department determines that they are not, then the department may take action deemed appropriate.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4260, filed 9/24/08, effective 11/1/08.]

388-97-4280
Change of ownership.

(1) A change of ownership occurs when there is a substitution, elimination, or withdrawal of the licensee or a substitution of control of the licensee. **"Control,"** as used in this section, means the possession, directly or indirectly, of the power to direct the management, operation, and policies of the licensee, whether through ownership, voting control, by agreement, by contract or otherwise. Events which constitute a change of ownership include, but are not limited to, the following:

(a) The form of legal organization of the licensee is changed (e.g., a sole proprietor forms a partnership or corporation);

(b) The licensee transfers ownership of the nursing home business enterprise to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the facility is also transferred;

(c) Dissolution or consolidation of the entity;

(d) Merger unless the licensee survives the merger and there is not a change in control of the licensee;

(e) If, during any continuous twenty-four month period, fifty percent or more of the entity is transferred, whether by a single transaction or multiple transactions, to:

(i) A different party (e.g., new or former shareholders); or

(ii) An individual or entity that had less than a five percent ownership interest in the nursing home at the time of the first transaction; or

(f) Any other event or combination of events that the department determines results in a:

(i) Substitution, elimination, or withdrawal of the licensee; or

(ii) Substitution of control of the licensee responsible for the daily operational decisions of the nursing home.

(2) Ownership does not change when the following, without more, occur:

(a) A party contracts with the licensee to manage the nursing home enterprise in accordance with the requirements of WAC 388-97-4260; or

(b) The real property or personal property assets of the nursing home are sold or leased, or a lease of the real property or personal property assets is terminated, as long as there is not a substitution or substitution of control of the licensee.

(3) When a change of ownership is contemplated, the current licensee must notify the department and all residents and their representatives at least sixty days prior to the proposed date of transfer. The notice must be in writing and contain the following information as specified in RCW 18.51.530:

(a) Name of the proposed licensee;

(b) Name of the managing entity;

(c) Names, addresses, and telephone numbers of department personnel to whom comments regarding the change may be directed;

(d) Names of all officers and the registered agent in the state of Washington if proposed licensee is a corporation; and

(e) Names of all general partners if proposed licensee is a partnership.

(4) The proposed licensee must comply with license application requirements. The operation or ownership of a nursing home must not be transferred until the proposed licensee has been issued a license to operate the nursing home.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4280, filed 9/24/08, effective 11/1/08.]

388-97-4300
Licensed bed capacity.

A nursing home must not be licensed for a capacity that exceeds the number of beds permitted under:

(1) This chapter;

(2) Chapter 70.38 RCW and regulations thereunder; or

(3) Applicable local zoning, building or other such regulations.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4300, filed 9/24/08, effective 11/1/08.]

388-97-4320
Relocation of residents.

(1) In the event of license revocation or suspension, decertification, or other emergency closures the department will:

(a) Notify residents and, when appropriate, resident representatives of the action;

(b) Assist with residents' relocation and identify possible alternative living choices and locations; and

(c) The nursing home will assist the residents to the extent it is directed to do so by the department.

(2) When a resident's relocation occurs due to an emergency closure from a natural disaster, the nursing home may not be required to cease its business operations unless directed to do so by the department.

(3) When a resident's relocation occurs due to a nursing home's voluntary closure, or voluntary termination of its medicare or medicaid contract or both, the nursing home must:

(a) Notify the department and all residents and resident representatives in accordance with WAC 388-97-1640;

(b) Notify the Centers for Medicare and Medicaid Services and the public as required by 42 C.F.R. 489.52, or a successor regulation, if the closure or termination affects the provision of medicare services; and

(c) Provide appropriate discharge planning and coordination for all residents including a plan to the department for safe and orderly transfer or discharge of residents from the nursing home.

(4) The department may provide residents assistance with relocation.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-4320, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4320, filed 9/24/08, effective 11/1/08.]

388-97-4340
License relinquishment.

(1) A nursing home licensee must voluntarily relinquish its license when:

(a) The nursing home ceases to do business as a nursing home; and

(b) Within twenty-four hours after the last resident is discharged from the facility.

(2) The nursing home may not be required to relinquish its license when residents must be relocated due to emergency closures from natural disasters.

(3) The relinquished license must be returned to the department.

(4) If a nursing home licensee fails to voluntarily relinquish its license when required, the department will revoke the license.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-4340, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4340, filed 9/24/08, effective 11/1/08.]

388-97-4360
Inspections and deficiency citation report.

(1) The department may inspect nursing homes at any time in order to determine compliance with the requirements of chapters 18.51 or 74.42 RCW and this chapter. Types of state inspections in nursing homes include preoccupancy, licensing, revisit, and complaint investigation. In the case of a medicaid or medicare contractor, or both, the department may also inspect medicare and medicaid certified nursing homes to determine compliance with the requirements of Title XVIII and/or XIX of the Social Security Act and federal medicare and medicaid regulations.

(2) The department will provide to the nursing home written documentation (notice) of the nursing home's deficiency(ies), the requirement that the deficiency(ies) violates, and the reasons for the determination of noncompliance with the requirements (RCW 18.51.091).

(3) The department may revisit the nursing home to confirm that corrections of deficiencies has been made. Revisits will be made:

(a) In accordance with RCW 74.39A.060 (5)(e);

(b) In the case of a medicare or medicaid contractor, or both, in accordance with the requirements of Title XVIII or XIX, or both of the Social Security Act and federal medicare and medicaid regulations; and

(c) At the department's discretion.

(4) The licensee or nursing home must:

(a) Ensure that department staff have access to the nursing home residents, staff and all resident records; and

(b) Not willfully interfere or fail to cooperate with department staff in the performance of official duties. Examples of willful interference or failure to cooperate include, but are not limited to, not allowing department staff to talk to residents or staff in private or not allowing department staff access to resident records.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4360, filed 9/24/08, effective 11/1/08.]

388-97-4380
Plan of correction.

(1) The licensee or nursing home must, within ten calendar days of notification of the cited deficiencies prepare, sign, date and provide to the department a detailed written plan of correction. Such plan of correction will provide notification to the department of the date by which the nursing home will complete the correction of cited deficiencies. The plan of correction must be completed regardless of whether the licensee requests an informal department review in accordance in WAC 388-97-4420.

(2) A plan of correction is not required for deficiencies at a severity level 1/isolated scope as described in WAC 388-97-4500, unless specifically requested by the department.

(3) In the case of actual or imminent threat to resident health or safety/immediate jeopardy (severity level 4 as described in WAC 388-97-4500), the department may require the licensee or nursing home to submit a document alleging that the imminent threat has been removed within a time frame specified by the department. The document must specify the steps the nursing home has taken or will take to correct the imminent harm. An allegation that the imminent harm has been removed does not substitute for the plan of correction as required by subsection (1) of this section but it will become a part of the completed plan of correction.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4380, filed 9/24/08, effective 11/1/08.]

388-97-4400
Acceptable and unacceptable plans of correction.

(1) A plan of correction must:

(a) Address how corrective action will be accomplished for those residents found to have been affected by the deficient practice;

(b) Address how the nursing home will identify other residents having the potential to be affected by the same deficient practice;

(c) Address what measures will be put into place or systemic changes made to ensure that the deficient practice will not recur;

(d) Indicate how the nursing home plans to monitor its performance to make sure that solutions are sustained, including how the plan of correction will be integrated into the nursing home's quality assurance system;

(e) Give the title of the person who is responsible for assuring lasting correction; and

(f) Give the date by which the correction will be made.

(2) The department will review the nursing home's plan of correction to determine whether it is acceptable.

(3) When deficiencies involve nursing home alterations, physical plant plan development, construction review, or other circumstances where extended time to complete correction may be required, the department's designated local aging and disability services administration field office or other department designee may accept a plan of correction as evidence of substantial compliance under the following circumstances:

(a) The plan of correction must include the steps that the nursing home needs to take, the time schedule for completion of the steps, and concrete evidence that the plan will be carried out as scheduled; and

(b) The nursing home must submit progress reports and/or updated plans to the department in accordance with a schedule specified by department.

(c) The department's acceptance of a plan of correction is solely at the department's discretion and does not rule out the imposition of optional remedies.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4400, filed 9/24/08, effective 11/1/08.]

388-97-4420
Informal department review.

(1) For medicare or medicaid certified nursing homes, the informal department review process described in this section is the only opportunity for the nursing home to dispute the federal deficiency citation report, unless a federal sanction is imposed.

(2) The nursing home licensee has the right to an informal department review of disputed state or federal citations, or both.

(3) A licensee must make a written request for an informal department review within ten calendar days of receipt of the department's written deficiency citation(s) report. The request must be directed to the department's designated local aging and disability services administration office and must identify the deficiencies that are being disputed.

(4) At the informal department review, the licensee or nursing home may provide documentation and verbal explanations related to the disputed federal or state deficiencies, or both.

(5) When modifications or deletions are made to the disputed federal or state deficiency citations, or both, the licensee or nursing home must modify or delete the relevant portions of the plan of correction within five days of receipt of the modified or deleted deficiency(ies). The licensee or nursing home may request from the department a clean copy of the revised deficiency citation report.

(6) If the licensee or nursing home is unwilling to provide the modified plan of correction, the department may impose a per day civil fine for failure to return the modified deficiency citation report to the department in accordance with this subsection.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4420, filed 9/24/08, effective 11/1/08.]

388-97-4425
Notice — Service complete.

Service of the department notices is complete when:

(1) Personal service is made;

(2) The notice is addressed to the facility or to the individual at his or her last known address, and deposited in the United States mail;

(3) The notice is faxed and the department receives evidence of transmission;

(4) Notice is delivered to a commercial delivery service with charges prepaid; or

(5) Notice is delivered to a legal messenger service with charges prepaid.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-4425, filed 12/29/09, effective 1/29/10.]

388-97-4430
Notice — Proof of service.

The department may establish proof of service by any of the following:

(1) A declaration of personal service;

(2) An affidavit or certificate of mailing to the nursing home or to the individual to whom the notice is directed;

(3) A signed receipt from the person who accepted the certified mail, the commercial delivery service, or the legal messenger service package; or

(4) Proof of fax transmission.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-4430, filed 12/29/09, effective 1/29/10.]

388-97-4440
Appeal rights.

(1) The appeal rights in this section apply to any appealable action taken by the department under chapters 18.51, 74.42 and 74.39A RCW. Notice and appeal requirements for resident protection program findings are described in WAC 388-97-0720 and 388-97-0740.

(2) The following actions may be appealed:

(a) Imposition of a penalty under RCW 18.51.060 or 74.42.580;

(b) A denial of a license under RCW 18.51.054, a license suspension under RCW 18.51.067 or a condition on a license under RCW 74.39A.050; or

(c) Deficiencies cited on the state survey report.

(3) The appeal process will be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 18.51.065 and 74.42.580, chapter 388-02 WAC and this chapter. If there is a conflict between chapter 388-02 WAC and this chapter, this chapter will govern.

(4) The purpose of an administrative hearing will be to review actions taken by the department under chapters 18.51, 74.42 or 74.39A RCW, and under this chapter.

(5) The office of administrative hearings must receive an administrative hearing request from the applicant, licensee or nursing home within twenty days of receipt of written notification of the department's action listed in subsection (2) of this section. Further information about administrative hearings is available in chapter 388-02 WAC and at the office of administrative hearing (OAH) web site: www.oah.wa.gov.

(6) Orders of the department imposing a stop placement, license suspension, emergency closure emergency transfer of residents, temporary management or conditions on a license are effective immediately upon verbal or written notice and must remain in effect until they are rescinded by the department or through the state administrative appeals process.

(7) Deficiencies cited on the federal survey report may not be appealed through the state administrative appeals process. If a federal remedy is imposed, the Centers for Medicare and Medicaid Services will notify the nursing facility of appeal rights under the federal administrative appeals process.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. 10-02-021, § 388-97-4440, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4440, filed 9/24/08, effective 11/1/08.]

388-97-4460
Remedies.

Mandatory Remedies

(1) In accordance with RCW 18.51.060 (5)(a), the department must impose a stop placement order when the department determines that the nursing home is not in substantial compliance with applicable laws or regulations and the cited deficiency(ies):

(a) Jeopardize the health and safety of the residents; or

(b) Seriously limit the nursing home's capacity to provide adequate care.

(2) When required by RCW 18.51.060(3), the department must deny payment to a nursing home that is certified to provide medicaid services for any medicaid-eligible individual admitted to the nursing home. Nursing homes that are certified to provide medicare services or both medicare and medicaid services may be subject to a federal denial of payment for new admissions, in accordance with federal law.

(3) The department must deny, suspend, revoke or refuse to renew a proposed or current licensee's nursing home license in accordance with WAC 388-97-4220(3).

Optional Remedies

(4) When the department determines that a licensee has failed or refused to comply with the requirements under chapter 18.51, 74.39A or 74.42 RCW, or this chapter; or a medicaid contractor has failed or refused to comply with medicaid requirements of Title XIX of the Social Security Act or medicaid regulations, the department may impose any or all of the following optional remedies:

(a) Stop placement;

(b) Immediate closure of a nursing home, emergency transfer of residents or both;

(c) Civil fines;

(d) Appoint temporary management;

(e) Petition the court for appointment of a receiver in accordance with RCW 18.51.410;

(f) License denial, revocation, suspension or nonrenewal;

(g) Denial of payment for new medicaid admissions;

(h) Termination of the medicaid provider agreement (contract);

(i) Department on-site monitoring as defined under WAC 388-97-0001; and

(j) Reasonable conditions on a license as authorized by chapter 74.39A RCW. Examples of conditions on a license include but are not limited to training related to the deficiency(ies); consultation in order to write an acceptable plan of correction; demonstration of ability to meet financial obligations necessary to continue operation.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4460, filed 9/24/08, effective 11/1/08.]

388-97-4480
Criteria for imposing optional remedies.

(1) The criteria set forth in this section implement the requirements under RCW 18.51.060(8). The criteria do not replace the standards for imposition of mandatory remedies under RCW 18.51.060 (3) and (5), or for the imposition of mandatory remedies in accordance with WAC 388-97-4460 (1), (2) and (3).

(2) The department must consider the imposition of one or more optional remedy(ies) when the nursing home has:

(a) A history of being unable to sustain compliance;

(b) One or more deficiencies on one inspection at severity level 2 or higher as described in WAC 388-97-4500;

(c) Been unable to provide an acceptable plan of correction after receiving assistance from the department about necessary revisions;

(d) One or more deficiencies cited under general administration and/or nursing services;

(e) One or more deficiencies related to retaliation against a resident or an employee for whistle blower activity under RCW 18.51.220, 74.34.180 or 74.39A.060 and WAC 388-97-1820;

(f) One or more deficiencies related to discrimination against a medicare or medicaid client under RCW 74.42.055, and Titles XVIII and XIX of the Social Security Act and medicare and medicaid regulations; or

(g) Willfully interfered with the performance of official duties by a long-term care ombudsman.

(3) The department, in its sole discretion, may consider other relevant factors when determining what optional remedy or remedies to impose in particular circumstances.

(4) When the department imposes an optional remedy or remedies, the department will select more severe penalties for nursing homes that have deficiency(ies) that are:

(a) Uncorrected upon revisit;

(b) Recurring (repeated);

(c) Pervasive; or

(d) Present a threat to the health, safety, or welfare of the residents.

(5) The department will consider the severity and scope of cited deficiencies in accordance with WAC 388-97-4500 when selecting optional remedy(ies). Such consideration will not limit the department's discretion to impose a remedy for a deficiency at a low level severity and scope.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4480, filed 9/24/08, effective 11/1/08.]

388-97-4500
Severity and scope of deficiencies.

(1) **"Severity of a deficiency"** means the seriousness of the deficiency. Factors the department will consider when determining the severity of a deficiency may include, but are not limited to:

(a) Whether harm to the resident has occurred, or could occur, including but not limited to a violation of resident's rights;

(b) The Impact of the actual or potential harm on the resident; and

(c) The degree to which the nursing home failed to meet the resident's highest practicable physical, mental, and psychosocial well-being as defined in WAC 388-97-0001.

(2) **Severity levels**

(a) **Severity level 4 -- Imminent harm or immediate jeopardy**

Level 4 means that a resident(s)' health or safety is imminently threatened or immediately jeopardized as a result of deficient nursing home practice. This level includes actual harm or potential harm, or both, to resident(s)' health or safety that has had or could have a severe negative outcome or critical impact on resident's well-being, including death or severe injury. Severity Level 4 requires immediate corrective action to protect the health and safety of resident(s).

(b) **Severity level 3 -- Actual harm**

Level 3 means that actual harm has occurred to resident(s) as the result of deficient nursing home practice.

(i) **"Serious harm"** is harm that results in a negative outcome that significantly compromises the resident(s)' ability to maintain and/or reach the highest practicable physical, mental and psychosocial well-being. Serious harm does not constitute imminent danger/immediate jeopardy (Severity Level 4).

(ii) **"Moderate harm"** is harm that results in a negative outcome that more than slightly but less than significantly compromises the resident(s)' ability to maintain and/or reach the highest practicable physical, mental and psychosocial well-being.

(iii) **"Minimal harm"** is harm that results in a negative outcome that to a small degree compromises the resident(s)' ability to maintain and/or reach the highest practicable physical, mental well-being.

(c) **Severity level 2 -- Potential for harm**

Level 2, **"potential for harm"** means that if the deficient nursing home practice is not corrected, resident(s) may suffer actual harm.

(d) **Severity level 1 -- No harm or minimal impact**

Level 1 means a deficient nursing home practice that does not compromise the resident(s)' ability to maintain or reach, or both, the highest practicable physical, mental and psychosocial well-being. Deficiencies at level 1 are those that have no direct or potential for no more than minimal impact on the resident. Examples include certain structure deficiencies, certain physical environment deficiencies and process deficiencies.

(3) **"Scope of a deficiency"** means the frequency, incidence, or extent of the occurrence of the deficiency.

(4) **Scope categories**

(a) **"Isolated or limited scope"** means a relatively few number of residents have been affected or have the potential to be affected, by the deficient nursing home practice.

(b) **"Moderate or pattern scope"** scope means more than an isolated and less than a widespread number of residents have been affected, or have the potential to be affected by the deficient nursing home practice.

(c) **"Widespread"** or **"systemic scope"** means most or all of the residents are affected or have the potential to be affected, by the deficient nursing home practice.

(5) Determination of scope will be made by the department in its sole discretion. Factors the department will consider may include:

(a) Size of the nursing home;

(b) Size of the sample;

(c) Number and location of affected residents;

(d) Whether the deficiency applies to all or a subset of the residents;

(e) Other factors relevant to the particular circumstances.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4500, filed 9/24/08, effective 11/1/08.]

388-97-4520
Separate deficiencies — Separate remedies.

(1) Each deficiency cited by the department for noncompliance with a statute or regulation is a separate deficiency subject to the assessment of a separate remedy.

(2) Each day upon which the same deficiency occurs is a separate deficiency subject to the assessment of a separate remedy.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4520, filed 9/24/08, effective 11/1/08.]

388-97-4540
Stop placement.

(1) The department must impose a stop placement order when required by RCW 18.51.060(5) and WAC 388-97-4460(1) and may impose a stop placement order as an optional remedy in accordance with WAC 388-97-4480. The department's stop placement order becomes effective upon verbal or written notice.

(2) The nursing home has the right to an informal department review to refute the federal or state deficiencies, or both, cited as the basis for the stop placement and must request such review in accordance with WAC 388-97-4420(3).

(3) The department will not delay or suspend a stop placement order because the nursing home requests an administrative hearing or informal department review.

(4) The stop placement order must remain in effect until:

(a) The department terminates the stop placement order; or

(b) The stop placement order is terminated by a final agency order following appeal conducted in accordance with chapter 34.05 RCW.

(5) The department must terminate the stop placement when:

(a) The nursing home states in writing that the deficiencies necessitating the stop placement action have been corrected; and

(b) Within fifteen working days of the nursing home's notification, department staff confirm by on-site revisit of the nursing home that:

(i) The deficiencies that necessitated the stop placement action have been corrected; and

(ii) The nursing home exhibits the capacity to maintain adequate care and services and correction of deficiencies.

(6) After lifting the stop placement, the department may continue to perform on site monitoring to verify that the nursing home has maintained correction of deficiencies.

(7) While a stop placement order is in effect, the department may approve a readmission to the nursing home from the hospital in accordance with RCW 18.51.060 (5)(b) and department guidelines for readmission decisions.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4540, filed 9/24/08, effective 11/1/08.]

388-97-4560
Amount of civil fine.

(1) Except as otherwise provided in statute, the range for a:

(a) Per day civil fine is fifty dollars to three thousand dollars; and

(b) Per instance civil fine is one thousand to three thousand dollars.

(2) In the event of continued noncompliance, nothing in this section must prevent the department from increasing a civil fine up to the maximum amount allowed by law.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4560, filed 9/24/08, effective 11/1/08.]

388-97-4580

Civil fine accrual and due dates and interest.

(1) Accrual of a per day civil fine begins on the first date the department verifies that the nursing home has or had a specific deficiency. Accrual of the per day civil fine will end on the date the department determines the nursing home corrected the deficiency.

(2) A per instance fine may be assessed for a deficiency, regardless of whether or not the deficiency had been corrected by the time the department first identified it.

(3) Civil fine(s) are due twenty days after the nursing home is notified of the civil fine(s) if the nursing home does not request a hearing.

(4) If the nursing home requests a hearing, the civil fine(s) including interest, if any, is due twenty days after:

(a) A hearing decision ordering payment of the fine(s) becomes final in accordance with chapter 388-02 WAC;

(b) The appeal is withdrawn;

(c) A settlement agreement and order of dismissal is entered, unless otherwise specified in the agreement; or

(d) An order of dismissal is entered.

(5) Interest on the civil fine(s) begins to accrue at a rate of one percent per month, thirty days after the nursing home is notified of the fine, unless a settlement agreement includes other provisions for payment of interest. If the amount of the civil fine is reduced following an appeal, interest on the reduced civil fine(s) accrues from thirty days after the nursing home was notified of the original civil fine(s).

(6) When a nursing home fails to pay a civil fine when due under this chapter, the department may:

(a) Withhold an amount equal to the fine plus interest, if any, from the nursing home's medicaid payment;

(b) Impose an additional fine; or

(c) Suspend the nursing home license under WAC 388-97-570(1). Such license suspension must continue until the fine is paid.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4580, filed 9/24/08, effective 11/1/08.]

388-97-4600
Civil penalty fund.

(1) The department must deposit civil penalties collected under chapter 18.51 or 74.42 RCW into a special fund administered by the department to be applied to the protection of the health or property of residents of nursing homes found to be deficient.

(2) The funds must be administered by the department according to department procedures. Uses of the fund include, but are not limited to:

(a) Payment for the costs of relocation of residents to other facilities;

(b) Payment to maintain operation of a nursing home pending correction of deficiencies or closure; and

(c) Reimbursement of residents for personal funds or property lost when the resident's personal funds or property cannot be recovered from the nursing home or third party insurer.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4600, filed 9/24/08, effective 11/1/08.]

388-97-4620
Temporary management.

(1) When the department appoints a temporary manager, the department must order the licensee to:

(a) Cease operating the nursing home; and

(b) Immediately turn over to the temporary manager possession and control of the nursing home including, but not limited to, all patient care records, financial records, and other records necessary for continued operation of the nursing home while temporary management is in effect.

(2) The temporary manager will have authority to temporarily relocate some or all residents if the:

(a) Temporary manager determines the resident's health, security, or welfare is jeopardized;

and

(b) Department concurs with the temporary manager's determination that relocation is necessary.

(3) The department's authority to order temporary management is discretionary in all cases.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4620, filed 9/24/08, effective 11/1/08.]

388-97-4640
Receivership.

(1) Receivership is authorized under RCW 18.51.400 through 18.51.520 and the following regulations.

(2) After receivership is established, the department may recommend to the court that all residents be relocated and the nursing home closed when:

(a) Problems exist in the physical condition of the premises which cannot be corrected in an economically prudent manner; or

(b) The department determines the former licensee or owner:

(i) Is unwilling or unable to manage the nursing home in a manner ensuring residents' health, safety, and welfare; and

(ii) Has not entered into an enforceable agreement to sell the nursing home within three months of the court's decision to grant receivership.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4640, filed 9/24/08, effective 11/1/08.]

388-97-4660
Temporary managers and receivers — Application.

(1) The department may recruit individuals, partnerships, corporations and other entities interested in serving as a temporary manager or receiver of a nursing home.

(2) Individuals, partnerships, corporations, or other entities interested in being appointed as a temporary manager or receiver must complete and submit to the department the required application on department forms.

(3) Individuals, partnerships, corporations, or other entities with experience in providing long-term health care and a history of satisfactory nursing home operation may submit an application to the department at any time. Applicants will be subject to the criteria established for licensees found in WAC 388-97-4220, except the department may waive the requirement that it have at least sixty days to review the application.

(4) The department must not appoint or recommend the appointment of a person (including partnership, corporation or other entity) to be a temporary manager or receiver if that person:

(a) Is the licensee, administrator, or partner, officer, director, managing employee, or owner of five percent or more of the licensee of the nursing home subject to temporary management or receivership;

(b) Is affiliated with the nursing home subject to temporary management or receivership; or

(c) Has owned or operated a nursing home ordered into temporary management or receivership in any state.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4660, filed 9/24/08, effective 11/1/08.]

388-97-4680
Temporary managers and receivers — Considerations before appointment.

(1) The department's authority to appoint a temporary manager or to recommend appointment of a specific individual or entity to act as receiver is discretionary in all cases.

(2) The department, in appointing a temporary manager or recommending appointment of a receiver, may consider one or more of the following factors:

(a) Potential temporary manager's or receiver's willingness to serve as a temporary manager or receiver for the nursing home in question;

(b) Amount and quality of the potential temporary manager's or receiver's experience in long-term care;

(c) Quality of care, as determined by prior survey reports, provided under the potential

temporary manager's or the potential receiver's supervision, management or operation;

(d) Potential temporary manager's or receiver's prior performance as a temporary manager or receiver;

(e) How soon the potential temporary manager or receiver is available to act as a temporary manager or receiver;

(f) Potential temporary manager's or receiver's familiarity and past compliance with Washington state and federal regulations applicable to nursing homes.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4680, filed 9/24/08, effective 11/1/08.]

388-97-4700
Duties and powers of temporary manager and receiver.

(1) The temporary manager or receiver must protect the health, security and welfare of the residents for the duration of the temporary management or receivership. The temporary manager or receiver must perform all acts reasonably necessary to ensure residents' needs are met. Such acts may include, but are not limited to:

(a) For receivers, the powers in RCW 18.51.490;

(b) Correcting cited deficiencies;

(c) Hiring, directing, and managing all consultants and employees and discharging them for just cause, discharging the administrator of the nursing home, recognizing collective bargaining agreement, and settling labor disputes;

(d) Receiving and expending in a prudent and business-like manner all current revenues of the home provided priority will be given to debts and expenditures directly related to providing care and meeting residents' needs;

(e) Making necessary purchases, repairs, and replacements, provided such expenditures in excess of five thousand dollars are approved by the department, or in the case of a receiver, approved by court;

(f) Entering into contracts necessary for the operation of the nursing home, provided that, the court must approve contracts extending beyond the period of receivership;

(g) Preparing all department-required reports;

(h) Overseeing facility closure, when appropriate;

(i) Planning required relocation with residents and residents' legal representative, family, or significant others in conjunction with home and community services division field staff;

(j) Meeting regularly with and informing staff, residents, and residents' families or significant others of:

(i) Plans for correcting the cited deficiencies;

(ii) Progress achieved in correction of deficiencies;

(iii) Plans for facility closure and relocation; and

(iv) Plans for continued operation of the nursing home, including training of staff.

(2) The temporary manager or receiver must make a detailed monthly accounting of all expenditures and liabilities to the department and to the owner of the nursing home, and to the court when required.

(3) The receiver must consult the court in cases of extraordinary or questionable debts incurred prior to the receiver's appointment and will not have the power to close the home or sell any of the nursing home's assets without prior court approval.

(4) The temporary manager or receiver must comply with all applicable state and federal laws and regulations. If the nursing home is certified and is providing care to medicaid clients, the temporary manager or receiver must become the medicaid contractor for the duration of the temporary management or receivership period.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4700, filed 9/24/08, effective 11/1/08.]

388-97-4720
Termination of temporary management and receivership.

(1) The department will terminate temporary management:

(a) After three months unless good cause is shown to continue the temporary management. Good cause for continuing the temporary management exists when returning the nursing home to its former licensee would subject residents to a threat to health, safety, or welfare;

(b) When all residents are transferred and the nursing home is closed;

(c) When deficiencies threatening residents' health, safety, or welfare are eliminated and the former licensee agrees to department-specified conditions regarding the continued facility operation; or

(d) When a new licensee assumes control of the nursing home.

(2) The department may appoint an alternate temporary manager:

(a) When the temporary manager is no longer willing to serve as a temporary manager;

(b) If a temporary manager is not making acceptable progress in correcting the nursing home deficiencies or in closing the nursing home; or

(c) If the department determines the temporary manager is not operating the nursing home in a financially responsible manner.

(3) The receivership will terminate in accordance with RCW 18.51.450 and 18.51.460.

(4) The department may recommend to the court an alternate receiver be appointed:

(a) When the receiver is no longer willing to serve as a receiver; or

(b) If a receiver is not making acceptable progress in correcting the deficiencies in the nursing home.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-4720, filed 9/24/08, effective 11/1/08.]

Chapter 18.51 RCW
Nursing homes

RCW Sections

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18.51.920 Construction -- Chapter applicable to state registered domestic partnerships -- 2009 c 521.

Notes:

Birthing centers: Chapter 18.46 RCW.

Boarding homes: Chapter 18.20 RCW.

Employment of dental hygienist without supervision of dentist authorized: RCW 18.29.056.

Labor regulations, collective bargaining -- Health care activities: Chapter 49.66 RCW.

Resident care, operating standards: Chapter 74.42 RCW.

18.51.005
Purpose.

The purpose of this chapter is to provide for the development, establishment, and enforcement of standards for the maintenance and operation of nursing homes, which, in the light of advancing knowledge, will promote safe and adequate care and treatment of the individuals therein. An important secondary purpose is the improvement of nursing home practices by

educational methods so that such practices eventually exceed the minimum requirements of the basic law and its original standards.

[1951 c 117 § 1.]

18.51.007
Legislative intent.

It is the intent of the legislature in enacting chapter 99, Laws of 1975 1st ex. sess. to establish (1) a system for the imposition of prompt and effective sanctions against nursing homes in violation of the laws and regulations of this state relating to patient care; (2) an inspection and reporting system to insure that nursing homes are in compliance with state statutes and regulations pertaining to patient care; and (3) a mechanism to insure that licenses are issued to or retained by only those nursing homes that meet state standards for resident health and safety.

[1981 1st ex.s. c 2 § 14; 1975 1st ex.s. c 99 § 3.]

Notes:

Severability -- Effective dates -- 1981 1st ex.s. c 2: See notes following RCW 18.51.010.

18.51.009
Resident rights.

RCW 70.129.007, 70.129.105, and 70.129.150 through 70.129.170 apply to this chapter and persons regulated under this chapter.

[1994 c 214 § 22.]

Notes:

Severability -- Conflict with federal requirements -- Captions not law -- 1994 c 214: See RCW 70.129.900 through 70.129.902.

18.51.010

Definitions.

(1) "Nursing home" means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons. It may also include community-based care. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operated to give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this chapter: PROVIDED, That any nursing home providing psychiatric treatment shall, with respect to patients receiving such treatment, comply with the provisions of RCW 71.12.560 and 71.12.570.

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

(3) "Secretary" means the secretary of the department of social and health services.

(4) "Department" means the state department of social and health services.

(5) "Community-based care" means but is not limited to the following:

(a) Home delivered nursing services;

(b) Personal care;

(c) Day care;

(d) Nutritional services, both in-home and in a communal dining setting;

(e) Habilitation care; and

(f) Respite care.

[1983 c 236 § 1; 1981 1st ex.s. c 2 § 15; 1973 1st ex.s. c 108 § 1; 1953 c 160 § 1; 1951 c 117

§ 2.]

Notes:

Construction -- 1983 c 236: "Nothing in this 1983 act affects the provisions of chapter 70.38 RCW." [1983 c 236 § 3.]

Severability -- 1981 1st ex.s. c 2: "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." [1981 1st ex.s. c 2 § 28.]

Effective dates -- 1981 1st ex.s. c 2: "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. Sections 1, 2, 3, and 10 through 26 of this act shall take effect on July 1, 1981. Section 4 of this act shall take effect on July 1, 1983. Sections 5 through 9 of this act shall take effect on July 1, 1984." [1981 1st ex.s. c 2 § 27.]

18.51.030
License required.

After July 1, 1951 no person shall operate or maintain a nursing home in this state without a license under this chapter.

[1951 c 117 § 4.]

18.51.040
Application for license.

An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires, which may include affirmative evidence of ability to comply with the rules and regulations as are lawfully prescribed hereunder.

[1953 c 160 § 3; 1951 c 117 § 5.]

18.51.050
License — Issuance, renewal — Fee — Display.

Upon receipt of an application for license, the department shall issue a license if the applicant and the nursing home facilities meet the requirements established under this chapter, except that the department shall issue a temporary license to a court-appointed receiver for a period not to exceed six months from the date of appointment. Prior to the issuance or renewal of the license, the licensee shall pay a license fee as established by the department. No fee shall be required of government operated institutions or court-appointed receivers. All licenses issued under the provisions of this chapter shall expire on a date to be set by the department, but no license issued pursuant to this chapter shall exceed thirty-six months in duration. When a change of ownership occurs, the entity becoming the licensed operating entity of the facility shall pay a fee established by the department at the time of application for the license. The previously determined date of license expiration shall not change. The department shall establish license fees at an amount adequate to reimburse the department in full for all costs of its licensing activities for nursing homes, adjusted to cover the department's cost of reimbursing such fees through medicaid.

All applications and fees for renewal of the license shall be submitted to the department not later than thirty days prior to the date of expiration of the license. All applications and fees for change of ownership licenses shall be submitted to the department not later than sixty days before the date of the proposed change of ownership. Each license shall be issued only to the operating entity and those persons named in the license application. The license is valid only for the operation of the facility at the location specified in the license application. Licenses are not transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

[1991 sp.s. c 8 § 1; 1989 c 372 § 1; 1985 c 284 § 4; 1981 2nd ex.s. c 11 § 2; 1981 1st ex.s. c 2 § 17; 1975 1st ex.s. c 99 § 1; 1971 ex.s. c 247 § 2; 1953 c 160 § 4; 1951 c 117 § 6.]

Notes:

Effective date -- 1991 sp.s. c 8: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991." [1991 sp.s. c 8 § 21.]

Severability -- Effective dates -- 1981 1st ex.s. c 2: See notes following RCW 18.51.010.

18.51.054

Denial of license.

The department may deny a license to any applicant if the department finds that the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant:

(1) Operated a nursing home without a license or under a revoked or suspended license; or

(2) Knowingly or with reason to know made a false statement of a material fact (a) in an application for license or any data attached thereto, or (b) in any matter under investigation by the department; or

(3) Refused to allow representatives or agents of the department to inspect (a) all books, records, and files required to be maintained or (b) any portion of the premises of the nursing home; or

(4) Willfully prevented, interfered with, or attempted to impede in any way (a) the work of any authorized representative of the department or (b) the lawful enforcement of any provision of this chapter or chapter 74.42 RCW; or

(5) Has a history of significant noncompliance with federal or state regulations in providing nursing home care. In deciding whether to deny a license under this section, the factors the department considers shall include the gravity and frequency of the noncompliance.

[1989 c 372 § 7; 1985 c 284 § 1.]

18.51.060
Penalties — Grounds.

(1) In any case in which the department finds that a licensee, or any partner, officer, director, owner of five percent or more of the assets of the nursing home, or managing employee failed or refused to comply with the requirements of this chapter or of chapter 74.42 RCW, or the standards, rules and regulations established under them or, in the case of a Medicaid contractor, failed or refused to comply with the Medicaid requirements of Title XIX of the social security act, as amended, and regulations promulgated thereunder, the department may take any or all of the following actions:

(a) Suspend, revoke, or refuse to renew a license;

(b) Order stop placement;

(c) Assess monetary penalties of a civil nature;

(d) Deny payment to a nursing home for any Medicaid resident admitted after notice to deny payment. Residents who are Medicaid recipients shall not be responsible for payment when the department takes action under this subsection;

(e) Appoint temporary management as provided in subsection (7) of this section.

(2) The department may suspend, revoke, or refuse to renew a license, assess monetary penalties of a civil nature, or both, in any case in which it finds that the licensee, or any partner, officer, director, owner of five percent or more of the assets of the nursing home, or managing employee:

(a) Operated a nursing home without a license or under a revoked or suspended license; or

(b) Knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department; or

(c) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained or any portion of the premises of the nursing home; or

(d) Willfully prevented, interfered with, or attempted to impede in any way the work of any duly authorized representative of the department and the lawful enforcement of any provision of this chapter or of chapter 74.42 RCW; or

(e) Willfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of this chapter or of chapter 74.42 RCW or the standards, rules, and regulations adopted under them; or

(f) Failed to report patient abuse or neglect in violation of chapter 70.124 RCW; or

(g) Fails to pay any civil monetary penalty assessed by the department pursuant to this chapter within ten days after such assessment becomes final.

(3) The department shall deny payment to a nursing home having a Medicaid contract with respect to any Medicaid-eligible individual admitted to the nursing home when:

(a) The department finds the nursing home not in compliance with the requirements of Title XIX of the social security act, as amended, and regulations promulgated thereunder, and the facility has not complied with such requirements within three months; in such case, the department shall deny payment until correction has been achieved; or

(b) The department finds on three consecutive standard surveys that the nursing home provided substandard quality of care; in such case, the department shall deny payment for new admissions until the facility has demonstrated to the satisfaction of the department that it is in compliance with Medicaid requirements and that it will remain in compliance with such

requirements.

(4)(a) Civil penalties collected under this section or under chapter 74.42 RCW shall be deposited into a special fund administered by the department to be applied to the protection of the health or property of residents of nursing homes found to be deficient, including payment for the costs of relocation of residents to other facilities, maintenance of operation of a facility pending correction of deficiencies or closure, and reimbursement of residents for personal funds lost.

(b) Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day a nursing home is or was out of compliance. Civil monetary penalties shall not exceed three thousand dollars per violation. Each day upon which the same or a substantially similar action occurs is a separate violation subject to the assessment of a separate penalty.

(c) Any civil penalty assessed under this section or chapter 74.46 RCW shall be a nonreimbursable item under chapter 74.46 RCW.

(5)(a) The department shall order stop placement on a nursing home, effective upon oral or written notice, when the department determines:

(i) The nursing home no longer substantially meets the requirements of chapter 18.51 or 74.42 RCW, or in the case of medicaid contractors, the requirements of Title XIX of the social security act, as amended, and any regulations promulgated under such statutes; and

(ii) The deficiency or deficiencies in the nursing home:

(A) Jeopardize the health and safety of the residents, or

(B) Seriously limit the nursing home's capacity to provide adequate care.

(b) When the department has ordered a stop placement, the department may approve a readmission to the nursing home from a hospital when the department determines the readmission would be in the best interest of the individual seeking readmission.

(c) The department shall terminate the stop placement when:

(i) The provider states in writing that the deficiencies necessitating the stop placement action have been corrected; and

(ii) The department staff confirms in a timely fashion not to exceed fifteen working days that:

(A) The deficiencies necessitating stop placement action have been corrected, and

(B) The provider exhibits the capacity to maintain adequate care and service.

(d) A nursing home provider shall have the right to an informal review to present written evidence to refute the deficiencies cited as the basis for the stop placement. A request for an informal review must be made in writing within ten days of the effective date of the stop placement.

(e) A stop placement shall not be delayed or suspended because the nursing home requests a hearing pursuant to chapter 34.05 RCW or an informal review. The stop placement shall remain in effect until:

(i) The department terminates the stop placement; or

(ii) The stop placement is terminated by a final agency order, after a hearing, pursuant to chapter 34.05 RCW.

(6) If the department determines that an emergency exists as a result of a nursing home's failure or refusal to comply with requirements of this chapter or, in the case of a Medicaid contractor, its failure or refusal to comply with Medicaid requirements of Title XIX of the social security act, as amended, and rules adopted thereunder, the department may suspend the nursing home's license and order the immediate closure of the nursing home, the immediate transfer of residents, or both.

(7) If the department determines that the health or safety of residents is immediately jeopardized as a result of a nursing home's failure or refusal to comply with requirements of this chapter or, in the case of a medicaid contractor, its failure or refusal to comply with medicaid requirements of Title XIX of the social security act, as amended, and rules adopted thereunder, the department may appoint temporary management to:

(a) Oversee the operation of the facility; and

(b) Ensure the health and safety of the facilities residents while:

(i) Orderly closure of the facility occurs; or

(ii) The deficiencies necessitating temporary management are corrected.

(8) The department shall by rule specify criteria as to when and how the sanctions specified in this section shall be applied. Such criteria shall provide for the imposition of incrementally more severe penalties for deficiencies that are repeated, uncorrected, pervasive, or present a threat to the health, safety, or welfare of the residents.

[1989 c 372 § 8; 1987 c 476 § 23; 1981 1st ex.s. c 2 § 18; 1979 ex.s. c 228 § 10; 1975 1st ex.s. c 99 § 2; 1953 c 160 § 5; 1951 c 117 § 7.]

Notes:

Severability -- Effective dates -- 1981 1st ex.s. c 2: See notes following

RCW 18.51.010.

18.51.062
Temporary managers — Department shall indemnify, defend, and hold harmless.

The department shall indemnify, defend, and hold harmless any temporary manager appointed and acting under RCW 18.51.060(7) against claims made against the temporary manager for any actions by the temporary manager or its agents that do not amount to intentional torts or criminal behavior.

[2005 c 375 § 1.]

18.51.065
Penalties — Hearing (as amended by 1989 c 175).

((~~All orders of the department denying, suspending, or revoking the license or assessing a monetary penalty shall become final twenty days after the same has been served upon the applicant or licensee unless a hearing is requested. All hearings hereunder and judicial review of such determinations shall be in accordance with the administrative procedure act, chapter 34.04 RCW.~~)) RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding. RCW 43.20A.215 governs notice of a civil fine and provides the right to an adjudicative proceeding.

[1989 c 175 § 64; 1981 1st ex.s. c 2 § 19; 1975 1st ex.s. c 99 § 16.]

Notes:

Effective date -- 1989 c 175: See note following RCW 34.05.010.

18.51.065
Penalties — Hearing (as amended by 1989 c 372).

(1) All orders of the department denying, suspending, or revoking the license or assessing a monetary penalty shall become final twenty days after the same has been served upon the applicant or licensee unless a hearing is requested. All orders of the department imposing stop placement, temporary management, emergency closure, emergency transfer, or license suspension, shall be effective immediately upon notice. Orders of the department imposing denial of payment shall become final twenty days after the same has been served, unless a hearing is requested, except that such orders shall be effective immediately upon notice and

pending any hearing when the department determines the deficiencies jeopardize the health and safety of the residents or seriously limit the nursing home's capacity to provide adequate care. All hearings hereunder and judicial review of such determinations shall be in accordance with the administrative procedure act, chapter ((~~34.04~~)) 34.05 RCW, except that all orders of the department imposing stop placement, temporary management, emergency closure, emergency transfer, or license suspension shall be effective pending any hearing, and except that chapter 34.05 RCW shall have no application to receivership, which is instituted by direct petition to superior court as provided for in RCW 18.51.410 through 18.51.520.

[1989 c 372 § 9; 1981 1st ex.s. c 2 § 19; 1975 1st ex.s. c 99 § 16.]

Notes:

Reviser's note: RCW 18.51.065 was amended twice during the 1989 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

Severability -- Effective dates -- 1981 1st ex.s. c 2: See notes following RCW 18.51.010.

18.51.067
License suspension — Noncompliance with support order — Reissuance.

The department shall immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services, division of [child] support, as a person who is not in compliance with a child support order or a *residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the division of child support stating that the person is in compliance with the order.

[1997 c 58 § 824.]

Notes:

***Reviser's note:** 1997 c 58 § 886 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Short title -- Part headings, captions, table of contents not law -- Exemptions and waivers from federal law -- Conflict with federal requirements -- Severability -- 1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates -- Intent -- 1997 c 58: See notes following RCW 74.20A.320.

18.51.070
Rules.

The department, after consultation with the *nursing home advisory council and the board of health, shall adopt, amend, and promulgate such rules, regulations, and standards with respect to all nursing homes to be licensed hereunder as may be designed to further the accomplishment of the purposes of this chapter in promoting safe and adequate medical and nursing care of individuals in nursing homes and the sanitary, hygienic and safe conditions of the nursing home in the interest of public health, safety, and welfare.

[1979 ex.s. c 211 § 64; 1951 c 117 § 8.]

Notes:

***Reviser's note:** The nursing home advisory council was terminated and repealed by 1990 c 297 §§ 3 and 4.

Effective date -- 1979 ex.s. c 211 § 64: "Section 64 of this 1979 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 [May 30, 1979]." [1979 ex.s. c 211 § 71.]

18.51.091
Inspection of nursing homes and community-based services — Notice of violations — Approval of alterations or new facilities.

The department shall make or cause to be made at least one inspection of each nursing home prior to license renewal and shall inspect community-based services as part of the licensing renewal survey. The inspection shall be made without providing advance notice of it. Every inspection may include an inspection of every part of the premises and an examination of all

records, methods of administration, the general and special dietary and the stores and methods of supply. Those nursing homes that provide community-based care shall establish and maintain separate and distinct accounting and other essential records for the purpose of appropriately allocating costs of the providing of such care: PROVIDED, That such costs shall not be considered allowable costs for reimbursement purposes under chapter 74.46 RCW. 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 notice shall describe the reasons for the facility's noncompliance. The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

[1987 c 476 § 24; 1983 c 236 § 2; 1981 2nd ex.s. c 11 § 3; 1979 ex.s. c 211 § 63.]

Notes:

Construction -- 1983 c 236: See note following RCW 18.51.010.

Effective date -- 1979 ex.s. c 211: See RCW 74.42.920.

Nursing home standards: Chapter 74.42 RCW.

18.51.140
Fire protection — Duties of chief of the Washington state patrol.

Standards for fire protection and the enforcement thereof, with respect to all nursing homes to be licensed hereunder, shall be the responsibility of the chief of the Washington state patrol, through the director of fire protection, who shall adopt such recognized standards as may be applicable to nursing homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the chief of the Washington state patrol, through the director of fire protection, 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 chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make an inspection of the nursing home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the chief of the Washington state patrol, through the director of fire protection, he or she shall promptly make a written report to the nursing home and the department as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the chief of the Washington state patrol, through

the director of fire protection, upon completion of any requirements made by him or her, and the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the nursing home to be licensed meets with the approval of the chief of the Washington state patrol, through the director of fire protection, he or she shall submit to the department, a written report approving same with respect to fire protection before a full license can be issued. The chief of the Washington state patrol, through the director of fire protection, shall make or cause to be made inspections of such nursing homes at least every eighteen months.

In cities which have in force a comprehensive building code, the provisions of which are determined by the chief of the Washington state patrol, through the director of fire protection, to be equal to the minimum standards of the code for nursing homes adopted by the chief of the Washington state patrol, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the chief of the Washington state patrol, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.

[1995 1st sp.s. c 18 § 43; 1995 c 369 § 6; 1986 c 266 § 83; 1953 c 160 § 9; 1951 c 117 § 15.]

Notes:

Conflict with federal requirements -- Severability -- Effective date -- 1995 1st sp.s. c 18: See notes following RCW 74.39A.030.

Effective date -- 1995 c 369: See note following RCW 43.43.930.

Severability -- 1986 c 266: See note following RCW 38.52.005.

State fire protection: Chapter 43.44 RCW.

18.51.145
Building inspections — Authority of chief of the Washington state patrol.

Inspections of nursing homes by local authorities shall be consistent with the requirements of chapter 19.27 RCW, the state building code. Findings of a serious nature shall be coordinated with the department and the chief of the Washington state patrol, through the director of fire protection, for determination of appropriate actions to ensure a safe environment for nursing home residents. The chief of the Washington state patrol, through the director of fire protection, shall have exclusive authority to determine appropriate corrective action under this section.

[1995 c 369 § 7; 1986 c 266 § 84; 1983 1st ex.s. c 67 § 45; 1981 1st ex.s. c 2 § 16.]

Notes:

Effective date -- 1995 c 369: See note following RCW 43.43.930.

Severability -- 1986 c 266: See note following RCW 38.52.005.

Effective dates -- 1983 1st ex.s. c 67: See note following RCW 74.46.475.

Severability -- Effective dates -- 1981 1st ex.s. c 2: See notes following RCW 18.51.010.

Conflict with federal requirements and this section: RCW 74.46.840.

18.51.150
Operating without license — Penalty.

Any person operating or maintaining any nursing home without a license under this chapter shall be guilty of a misdemeanor and each day of a continuing violation after conviction shall be considered a separate offense.

[1951 c 117 § 16.]

18.51.160
Operating without license — Injunction.

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 nursing home without a license under this chapter.

[1951 c 117 § 17.]

Notes:

Injunctions: Chapter 7.40 RCW.

18.51.170

Application of chapter to homes or institutions operated by certain religious organizations.

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 or patients in any nursing home or institution 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, or for any nursing home or institution operated for the exclusive care of members of a convent as defined in RCW 84.36.800 or rectory, monastery, or other institution operated for the care of members of the clergy.

[1977 c 48 § 1; 1951 c 117 § 21.]

18.51.180
Out-patient services — Authorized — Defined.

A nursing home may, pursuant to rules and regulations adopted by the department of social and health services, offer out-patient services to persons who are not otherwise patients at such nursing home. Any certified nursing home offering out-patient services may receive payments from the federal medicare program for such services as are permissible under that program.

Out-patient services may include any health or social care needs, except surgery, that could feasibly be offered on an out-patient basis.

[1973 1st ex.s. c 71 § 1.]

18.51.185
Out-patient services — Cost studies — Vendor rates.

The department of social and health services shall assist the nursing home industry in researching the costs of out-patient services allowed under RCW 18.51.180. Such cost studies shall be utilized by the department in the determination of reasonable vendor rates for nursing homes offering such services to insure an adequate return to the nursing homes and a cost savings to the state as compared to the cost of institutionalization.

[1973 1st ex.s. c 71 § 2.]

18.51.190
Complaint of violation — Request for inspection — Notice — Confidentiality.

Any person may request an inspection of any nursing home subject to licensing under this chapter in accordance with the provisions of this chapter by giving notice to the department of an alleged violation of applicable requirements of state law. The complainant shall be encouraged to submit a written, signed complaint following a verbal report. The substance of the complaint shall be provided to the licensee no earlier than at the commencement of the inspection. Neither the substance of the complaint provided the licensee nor any copy of the complaint or record published, released, or otherwise made available to the licensee shall disclose the name of any individual complainant or other person mentioned in the complaint, except the name or names of any duly authorized officer, employee, or agent of the department conducting the investigation or inspection pursuant to this chapter, unless such complainant specifically requests the release of such name or names.

[1981 1st ex.s. c 2 § 20; 1975 1st ex.s. c 99 § 4.]

Notes:

Severability -- Effective dates -- 1981 1st ex.s. c 2: See notes following RCW 18.51.010.

18.51.200
Preliminary review of complaint — On-site investigation.

Upon receipt of a complaint, the department shall make a preliminary review of the complaint. Unless the department determines that the complaint is wilfully intended to harass a licensee or is without any reasonable basis, or unless the department has sufficient information that corrective action has been taken, it shall make an on-site investigation within a reasonable time after the receipt of the complaint or otherwise ensure complaints are responded to. In either event, the complainant shall be promptly informed of the department's proposed course of action. If the complainant requests the opportunity to do so, the complainant or his representative, or both, may be allowed to accompany the inspector to the site of the alleged violations during his tour of the facility, unless the inspector determines that the privacy of any patient would be violated thereby.

[1981 1st ex.s. c 2 § 21; 1975 1st ex.s. c 99 § 5.]

Notes:

Severability -- Effective dates -- 1981 1st ex.s. c 2: See notes following RCW 18.51.010.

18.51.210
Authority to enter and inspect nursing home — Advance notice — Defense.

(1) Any duly authorized officer, employee, or agent of the department may enter and inspect any nursing home, including, but not limited to, interviewing residents and reviewing records, at any time to enforce any provision of this chapter. Inspections conducted pursuant to complaints filed with the department shall be conducted in such a manner as to ensure maximum effectiveness. No advance notice shall be given of any inspection conducted pursuant to this chapter unless previously and specifically authorized by the secretary or required by federal law.

(2) Any public employee giving such advance notice in violation of this section shall be suspended from all duties without pay for a period of not less than five nor more than fifteen days.

(3) In any hearing held pursuant to this chapter, it shall be a defense to a violation relating to the standard of care to be afforded public patients to show that the department does not provide reasonable funds to meet the cost of reimbursement standard allegedly violated.

[1981 1st ex.s. c 2 § 22; 1975 1st ex.s. c 99 § 6.]

Notes:

Severability -- Effective dates -- 1981 1st ex.s. c 2: See notes following RCW 18.51.010.

18.51.220
Retaliation or discrimination against complainant prohibited, penalty — Presumption.

(1) No licensee shall discriminate or retaliate in any manner against a patient or employee in its nursing home on the basis or for the reason that such patient or employee or any other person has initiated or participated in any proceeding specified in this chapter. A licensee who violates this section is subject to a civil penalty of not more than three thousand dollars.

(2) Any attempt to expel a patient from a nursing home, or any type of discriminatory treatment of a patient by whom, or upon whose behalf, a complaint has been submitted to the department or any proceeding instituted under or related to this chapter within one year of the filing of the complaint or the institution of such action, shall raise a rebuttable presumption that such action was taken by the licensee in retaliation for the filing of the complaint.

[1987 c 476 § 25; 1975 1st ex.s. c 99 § 7.]

18.51.230
General inspection before license renewal — Required — Advance notice prohibited.

The department shall, in addition to any inspections conducted pursuant to complaints filed pursuant to RCW 18.51.190, conduct at least one general inspection prior to license renewal of all nursing homes in the state without providing advance notice of such inspection. Periodically, such inspection shall take place in part between the hours of 7 p.m. and 5 a.m. or on weekends.

[1981 2nd ex.s. c 11 § 4; 1975 1st ex.s. c 99 § 10.]

18.51.240
Alterations or additions — Preliminary inspection and approval.

The department may prescribe by regulations that any licensee or applicant desiring to make specific types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

[1981 1st ex.s. c 2 § 23; 1975 1st ex.s. c 99 § 11.]

Notes:

Severability -- Effective dates -- 1981 1st ex.s. c 2: See notes following RCW 18.51.010.

18.51.250
Nursing homes without violations — Public agencies notified — Priority.

On or before February 1st of each year, the department shall notify all public agencies which refer patients to nursing homes of all of the nursing homes in the area found upon inspection within the previous twelve-month period to be without violations. Public agencies shall give

priority to such nursing homes in referring publicly assisted patients.

[1975 1st ex.s. c 99 § 12.]

18.51.260
Posting citations for violation of RCW 18.51.060.

Each citation for a violation specified in RCW 18.51.060 which is issued pursuant to this section and which has become final, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the director, until the violation is corrected to the satisfaction of the department up to a maximum of one hundred twenty days. The citation or copy shall be posted in a place or places in plain view of the patients in the nursing home, persons visiting those patients, and persons who inquire about placement in the facility.

[1987 c 476 § 26; 1975 1st ex.s. c 99 § 13.]

18.51.270
Annual report of citations — Publication — Contents.

The department shall annually publish a report listing all licensees by name and address, indicating (1) the number of citations and the nature of each citation issued to each licensee during the previous twelve-month period and the status of any action taken pursuant to each citation, including penalties assessed, and (2) the nature and status of action taken with respect to each uncorrected violation for which a citation is outstanding.

The report shall be available to the public, at cost, at all offices of the department.

[1975 1st ex.s. c 99 § 14.]

18.51.280
Chapter cumulative.

The remedies provided by this chapter are cumulative, and shall not be construed as restricting any remedy, provisional or otherwise, provided by law for the benefit of any party, and no judgment under this chapter shall preclude any party from obtaining additional relief based upon the same facts.

[1975 1st ex.s. c 99 § 8.]

18.51.290
Writings as public records.

Any writing received, owned, used, or retained by the department in connection with the provisions of this chapter is a public record and, as such, is open to public inspection. Copies of such records provided for public inspection shall comply with RCW 42.56.070(1). The names of duly authorized officers, employees, or agents of the department shall be included.

[2005 c 274 § 225; 1980 c 184 § 4; 1975 1st ex.s. c 99 § 9.]

Notes:

Part headings not law -- Effective date--2005 c 274: See RCW 42.56.901 and 42.56.902.

Conflict with federal requirements -- 1980 c 184: See RCW 74.42.630.

18.51.300
Retention and preservation of records of patients.

Unless specified otherwise by the department, a nursing home shall retain and preserve all records which relate directly to the care and treatment of a patient for a period of no less than eight years following the most recent discharge of the patient; except the records of minors, which shall be retained and preserved for a period of no less than three years following attainment of the age of eighteen years, or ten years following such discharge, whichever is longer.

If a nursing home ceases operations, it shall make immediate arrangements, as approved by the department, for preservation of its records.

The department shall by regulation define the type of records and the information required to be included in the records to be retained and preserved under this section; which records may be retained in photographic form pursuant to chapter 5.46 RCW.

[1995 1st sp.s. c 18 § 44; 1981 1st ex.s. c 2 § 24; 1975 1st ex.s. c 175 § 2.]

Notes:

Conflict with federal requirements -- Severability -- Effective date -- 1995 1st sp.s. c 18: See notes following RCW 74.39A.030.

Severability -- Effective dates -- 1981 1st ex.s. c 2: See notes following RCW 18.51.010.

18.51.310
Comprehensive plan for utilization review — Licensing standards — Regulations.

(1) The department shall establish, in compliance with federal and state law, a comprehensive plan for utilization review as necessary to safeguard against unnecessary utilization of care and services and to assure quality care and services provided to nursing facility residents.

(2) The department shall adopt licensing standards suitable for implementing the civil penalty system authorized under this chapter and chapter 74.46 RCW.

(3) No later than July 1, 1981, the department shall adopt all those regulations which meet all conditions necessary to fully implement the civil penalty system authorized by this chapter, chapter 74.42 RCW, and chapter 74.46 RCW.

[1991 sp.s. c 8 § 2; 1981 2nd ex.s. c 11 § 5; 1981 1st ex.s. c 2 § 12; 1980 c 184 § 5; 1979 ex.s. c 211 § 67; 1977 ex.s. c 244 § 1.]

Notes:

Effective date -- 1991 sp.s. c 8: See note following RCW 18.51.050.

Severability -- Effective dates -- 1981 1st ex.s. c 2: See notes following RCW 18.51.010.

Conflict with federal requirements -- 1980 c 184: See RCW 74.42.630.

Effective date -- 1979 ex.s. c 211: See RCW 74.42.920.

18.51.320
Contact with animals — Rules.

(1) A nursing home licensee shall give each patient a reasonable opportunity to have regular

contact with animals. The licensee may permit appropriate animals to live in the facilities and may permit appropriate animals to visit if the animals are properly supervised.

(2) The department shall adopt rules for the care, type, and maintenance of animals in nursing home facilities.

[1984 c 127 § 2.]

Notes:

Intent -- 1984 c 127: "The legislature finds that the senior citizens of this state, particularly those living in low-income public housing or in nursing homes, often lead lonely and harsh lives. The legislature recognizes that the warmth and companionship provided by pets can significantly improve the quality of senior citizens' lives. This legislation is intended to insure that senior citizens and persons in nursing homes will not be deprived of access to pets." [1984 c 127 § 1.]

18.51.350
Conflict with federal requirements.

If any part of this chapter is found to conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this chapter is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this chapter.

[1981 2nd ex.s. c 11 § 1.]

18.51.400
Receivership — Legislative findings.

The legislature finds that the closure of a nursing home can have devastating effects on residents and, under certain circumstances, courts should consider placing nursing homes in receivership. As receivership has long existed as a remedy to preserve assets subject to litigation and to reorganize troubled affairs, the legislature finds that receivership is to be used to correct problems associated with either the disregard of residents' health, safety, or welfare or with the possible closure of the nursing home for any reason.

[1987 c 476 § 9.]

18.51.410
Receivership — Petition to establish — Grounds.

A petition to establish a receivership shall allege that one or more of the following conditions exist and that the current operator has demonstrated an inability or unwillingness to take actions necessary to immediately correct the conditions alleged:

(1) The facility is operating without a license;

(2) The facility has not given the department prior written notice of its intent to close and has not made arrangements within thirty days before closure for the orderly transfer of its residents: PROVIDED, That if the facility has given the department prior written notice but the department has not acted with all deliberate speed to transfer the facility's residents, this shall bar the filing of a petition under this subsection;

(3) The health, safety, or welfare of the facility's residents is immediately jeopardized;

(4) The facility demonstrates a pattern and practice of violating chapter 18.51 or 74.42 RCW and rules adopted thereunder such that the facility has demonstrated a repeated inability to maintain minimum patient care standards; or

(5) The facility demonstrates a pattern or practice of violating a condition level as defined by the federal government under the authority of Title XIX of the social security act.

The department may file a petition in the superior court in the county in which the nursing home is located or in the superior court of Thurston county. The current or former operator or licensee and the owner of the nursing home, if different than the operator or licensee, shall be made a party to the action. The court shall grant the petition if it finds, by a preponderance of the evidence, that one or more of the conditions listed in subsections (1) through (5) of this section exists and, subject to RCW 18.51.420, that the current operator is unable or unwilling to take actions necessary to immediately correct the conditions.

[1989 c 372 § 10; 1987 c 476 § 10.]

18.51.420
Receivership — Defenses to petition.

It shall be a defense to the petition to establish a receivership that the conditions alleged do not in fact exist. It shall not be a defense to the petition to allege that the respondent did not possess knowledge of the alleged condition or could not have been reasonably expected to know about

the alleged condition. In a petition that alleges that the health, safety, or welfare of the residents of the facility is at issue, it shall not be a defense to the petition that the respondent had not been afforded a reasonable opportunity to correct the alleged condition.

[1987 c 476 § 11.]

18.51.430
Receivership — Persons qualified to act as receiver.

A petition for receivership shall include the name of the candidate for receiver. The department shall maintain a list of qualified persons to act as receivers, however, no person may be considered to be qualified to be a receiver who:

(1) Is the owner, licensee, or administrator of the facility;

(2) Is affiliated with the facility;

(3) Has a financial interest in the facility at the time the receiver is appointed; or

(4) Has owned or operated a nursing home that has been ordered into receivership.

If a receiver is appointed, he or she may be drawn from the list but need not be, but an appointee shall have experience in providing long-term health care and a history of satisfactory operation of a nursing home. Preference may be granted to persons expressing an interest in permanent operation of the facility.

[1989 c 372 § 3; 1987 c 476 § 12.]

18.51.440
Receivership — Judicial hearing.

Upon receipt of a petition for receivership, the court shall hear the matter within fourteen days. Temporary relief may be obtained under chapter 7.40 RCW and other applicable laws. In all actions arising under RCW 18.51.410 through 18.51.530, the posting of a certified copy of the summons and petition in a conspicuous place in the nursing home shall constitute service of those documents upon the respondent.

[1989 c 372 § 11; 1987 c 476 § 13.]

18.51.450
Receivership — Appointment of receiver.

Upon agreement of the candidate for receiver to the terms of the receivership and any special instructions of the court, the court may appoint that person as receiver of the nursing home if the court determines it is likely that a permanent operator will be found or conditions will be corrected without undue risk of harm to the patients. Appointment of a receiver may be in lieu of or in addition to temporary removal of some or all of the patients in the interests of their health, security, or welfare. A receiver shall be appointed for a term not to exceed six months, but a term may be extended for good cause shown.

[1987 c 476 § 14.]

18.51.460
Receivership — Termination — Conditions.

(1) The receivership shall terminate:

(a) When all deficiencies have been eliminated and the court determines that the facility has the management capability to ensure continued compliance with all requirements; or

(b) When all residents have been transferred and the facility closed.

(2) Upon the termination of a receivership, the court may impose conditions to assure the continued compliance with chapters 18.51 and 74.42 RCW, and, in the case of medicaid contractors, continued compliance with Title XIX of the social security act, as amended, and regulations promulgated thereunder.

[1989 c 372 § 12; 1987 c 476 § 15.]

18.51.470
Receivership — Accounting of acts and expenditures by receiver.

The receiver shall render to the court an accounting of acts performed and expenditures made during the receivership. Nothing in this section relieves a court-appointed receiver from the responsibility of making all reports and certifications to the department required by law and regulation relating to the receiver's operation of the nursing home, the care of its residents, and participation in the medicaid program, if any.

[1987 c 476 § 16.]

18.51.480
Receivership — Compensation, liability — Revision of medicaid reimbursement rate.

If a receiver is appointed, the court shall set reasonable compensation for the receiver to be paid from operating revenues of the nursing home. The receiver shall be liable in his or her personal capacity only for negligent acts, intentional acts, or a breach of a fiduciary duty to either the residents of the facility or the current or former licensee or owner of the facility.

The department may revise the nursing home's medicaid reimbursement rate, consistent with reimbursement principles in chapter 74.46 RCW and rules adopted under that chapter, if revision is necessary to cover the receiver's compensation and other reasonable costs associated with the receivership and transition of control. Rate revision may also be granted if necessary to cover start-up costs and costs of repairs, replacements, and additional staff needed for patient health, security, or welfare. The property return on investment components of the medicaid rate shall be established for the receiver consistent with reimbursement principles in chapter 74.46 RCW. The department may also expedite the issuance of necessary licenses, contracts, and certifications, temporary or otherwise, necessary to carry out the purposes of receivership.

[1987 c 476 § 17.]

18.51.490
Receivership — Powers of receiver.

Upon appointment of a receiver, the current or former licensee or operator and managing agent, if any, shall be divested of possession and control of the nursing home in favor of the receiver who shall have full responsibility and authority to continue operation of the home and the care of the residents. The receiver may perform all acts reasonably necessary to carry out the purposes of receivership, including, but not limited to:

(1) Protecting the health, security, and welfare of the residents;

(2) Remedying violations of state and federal law and regulations governing the operation of the home;

(3) Hiring, directing, managing, and discharging all consultants and employees for just cause; discharging the administrator of the nursing home; recognizing collective bargaining

agreements; and settling labor disputes;

(4) Receiving and expending in a prudent manner all revenues and financial resources of the home; and

(5) Making all repairs and replacements needed for patient health, security, and welfare: PROVIDED, That expenditures for repairs or replacements in excess of five thousand dollars shall require approval of the court which shall expedite approval or disapproval for such expenditure.

Upon order of the court, a receiver may not be required to honor leases, mortgages, secured transactions, or contracts if the rent, price, or rate of interest was not a reasonable rent, price, or rate of interest at the time the contract was entered into or if a material provision of the contract is unreasonable.

[1987 c 476 § 18.]

18.51.500
Receivership — Financial assistance — Use of revenues and proceeds of facility.

Upon order of the court, the department shall provide emergency or transitional financial assistance to a receiver not to exceed thirty thousand dollars. The receiver shall file with the court an accounting for any money expended. Any emergency or transitional expenditure made by the department on behalf of a nursing home not certified to participate in the Medicaid Title XIX program shall be recovered from revenue generated by the facility which revenue is not obligated to the operation of the facility. An action to recover such sums may be filed by the department against the former licensee or owner at the time the expenditure is made, regardless of whether the facility is certified to participate in the Medicaid Title XIX program or not.

In lieu of filing an action, the department may file a lien on the facility or on the proceeds of the sale of the facility. Such a lien shall take priority over all other liens except for liens for wages to employees. The owner of the facility shall be entitled to the proceeds of the facility or the sale of the facility to the extent that these exceed the liabilities of the facility, including liabilities to the state, receiver, employees, and contractors, at the termination of the receivership.

Revenues relating to services provided by the current or former licensee, operator, or owner and available operating funds belonging to such licensee, operator, or owner shall be under the control of the receiver. The receiver shall consult the court in cases of extraordinary or questionable debts incurred prior to his or her appointment and shall not have the power to close the home or sell any assets of the home without prior court approval.

Priority shall be given to debts and expenditures directly related to providing care and meeting the needs of patients. Any payment made to the receiver shall discharge the obligation of the payor to the owner of the facility.

[1989 c 372 § 4; 1987 c 476 § 19.]

18.51.510
Receivership — State medical assistance.

If the nursing home is providing care to recipients of state medical assistance, the receiver shall become the medicaid contractor for the duration of the receivership period and shall assume all reporting and other responsibilities required by applicable laws and regulations. The receiver shall be responsible for the refund of medicaid rate payments in excess of costs during the period of the receivership.

[1987 c 476 § 20.]

18.51.520
Receivership — Foreclosures and seizures not allowed.

No seizure, foreclosure, or interference with nursing home revenues, supplies, real property, improvements, or equipment may be allowed for the duration of the receivership without prior court approval.

[1987 c 476 § 21.]

18.51.530
Notice of change of ownership or management.

At least sixty days before the effective date of any change of ownership, change of operating entity, or change of management of a nursing home, the current operating entity shall notify separately and in writing, each resident of the home or the resident's guardian of the proposed change. The notice shall include the identity of the proposed new owner, operating entity, or managing entity and the names, addresses, and telephone numbers of departmental personnel to whom comments regarding the change may be directed. If the proposed new owner, operating entity, or managing entity is a corporation, the notice shall include the names of all

officers and the registered agent in the state of Washington. If the proposed new owner, operating entity, or managing entity is a partnership, the notice shall include the names of all general partners. This section shall apply regardless of whether the current operating entity holds a medicaid provider contract with the department and whether the operating entity intends to enter such a contract.

[1987 c 476 § 22.]

18.51.540
Cost disclosure to attending physicians.

(1) The legislature finds that the spiraling costs of nursing home care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. The causes of this phenomenon are complex. By making nursing home facilities and care providers more aware of the cost consequences of care services for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial services and care, with a potential for reducing the utilization of those services. The requirement of the nursing home to inform physicians, consumers, and other care providers of the charges of the services that they order may have a positive effect on containing health costs.

(2) All nursing home administrators in facilities licensed under this chapter shall be required to develop and maintain a written procedure for disclosing patient charges to attending physicians with admitting privileges. The nursing home administrator shall have the capability to provide an itemized list of the charges for all health care services that may be ordered by a physician. The information shall be made available on request of consumers, or the physicians or other appropriate health care providers responsible for prescribing care.

[1993 c 492 § 268.]

Notes:

Findings -- Intent -- 1993 c 492: See notes following RCW 43.20.050.

Short title -- Severability -- Savings -- Captions not law -- Reservation of legislative power -- Effective dates -- 1993 c 492: See RCW 43.72.910 through 43.72.915.

18.51.550
Investigation of complaints of violations concerning nursing technicians.

The department shall investigate complaints of violations of RCW 18.79.350 and 18.79.360 by an employer. The department shall maintain records of all employers that have violated RCW 18.79.350 and 18.79.360.

[2003 c 258 § 9.]

Notes:

Severability -- Effective date -- 2003 c 258: See notes following RCW 18.79.330.

18.51.900
Severability — 1951 c 117.

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

[1951 c 117 § 22.]

18.51.920
Construction — Chapter applicable to state registered domestic partnerships — 2009 c 521.

For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships.

[2009 c 521 § 47.]

Chapter 74.42 RCW
Nursing homes — resident care, operating standards

RCW Sections

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74.42.900 Severability -- 1979 ex.s. c 211.

74.42.910 Construction -- Conflict with federal requirements.

74.42.920 Chapter 74.42 RCW suspended -- Effective date delayed until January 1, 1981.

Notes:

Effective date -- Chapter 74.42 RCW: See RCW 74.42.920.

74.42.010
Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services and the department's employees.

(2) "Facility" refers to a nursing home as defined in RCW 18.51.010.

(3) "Licensed practical nurse" means a person licensed to practice practical nursing under chapter 18.79 RCW.

(4) "Medicaid" means Title XIX of the Social Security Act enacted by the social security amendments of 1965 (42 U.S.C. Sec. 1396; 79 Stat. 343), as amended.

(5) "Nurse practitioner" means a person licensed to practice advanced registered nursing under chapter 18.79 RCW.

(6) "Nursing care" means that care provided by a registered nurse, an advanced registered nurse practitioner, a licensed practical nurse, or a nursing assistant in the regular performance of their duties.

(7) "Physician assistant" means a person practicing pursuant to chapters 18.57A and 18.71A RCW.

(8) "Qualified therapist" means:

(a) An activities specialist who has specialized education, training, or experience specified by the department.

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience.

(c) A mental health professional as defined in chapter 71.05 RCW.

(d) An intellectual disabilities professional who is a qualified therapist or a therapist approved by the department and has specialized training or one year experience in treating or working with persons with intellectual or developmental disabilities.

(e) An occupational therapist who is a graduate of a program in occupational therapy or who has equivalent education or training.

(f) A physical therapist as defined in chapter 18.74 RCW.

(g) A social worker who is a graduate of a school of social work.

(h) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has equivalent education and clinical experience.

(9) "Registered nurse" means a person licensed to practice registered nursing under chapter 18.79 RCW.

(10) "Resident" means an individual residing in a nursing home, as defined in RCW 18.51.010.

[2010 c 94 § 27; 1994 sp.s. c 9 § 750; 1993 c 508 § 4; 1979 ex.s. c 211 § 1.]

Notes:

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Purpose -- 2010 c 94: See note following RCW 44.04.280.

Severability -- Headings and captions not law -- Effective date -- 1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

Section captions -- Severability -- Effective date -- 1993 c 508: See RCW 74.39A.900 through 74.39A.903.

74.42.020
Minimum standards.

The standards in RCW 74.42.030 through 74.42.570 are the minimum standards for facilities licensed under chapter 18.51 RCW: PROVIDED, HOWEVER, That RCW 74.42.040, 74.42.140 through 74.42.280, 74.42.300, 74.42.360, 74.42.370, 74.42.380, 74.42.420 (2), (4), (5), (6) and (7), 74.42.430(3), 74.42.450 (2) and (3), 74.42.520, 74.42.530, 74.42.540, 74.42.570, and 74.42.580 shall not apply to any nursing home or institution 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, or for any nursing home or institution operated for the exclusive care of members of a convent as defined in RCW 84.36.800 or rectory, monastery, or other institution operated for the care of members of the clergy.

[1995 1st sp.s. c 18 § 68; 1982 c 120 § 1; 1980 c 184 § 6; 1979 ex.s. c 211 § 2.]

Notes:

Conflict with federal requirements -- Severability -- Effective date -- 1995 1st sp.s. c 18: See notes following RCW 74.39A.030.

74.42.030
Resident to receive statement of rights, rules, services, and charges.

Each resident or guardian or legal representative, if any, shall be fully informed and receive in writing, in a language the resident or his or her representative understands, the following information:

(1) The resident's rights and responsibilities in the facility;

(2) Rules governing resident conduct;

(3) Services, items, and activities available in the facility; and

(4) Charges for services, items, and activities, including those not included in the facility's basic daily rate or not paid by medicaid.

The facility shall provide this information before admission, or at the time of admission in case of emergency, and as changes occur during the resident's stay. The resident and his or her representative must be informed in writing in advance of changes in the availability or charges for services, items, or activities, or of changes in the facility's rules. Except in unusual circumstances, thirty days' advance notice must be given prior to the change. The resident or legal guardian or representative shall acknowledge in writing receipt of this information.

The written information provided by the facility pursuant to this section, and the terms of any admission contract executed between the facility and an individual seeking admission to the facility, must be consistent with the requirements of this chapter and chapter 18.51 RCW and, for facilities certified under medicaid or medicare, with the applicable federal requirements.

[1997 c 392 § 212; 1979 ex.s. c 211 § 3.]

Notes:

Short title -- Findings -- Construction -- Conflict with federal requirements -- Part headings and captions not law -- 1997 c 392: See notes following RCW 74.39A.009.

74.42.040
Resident's rights regarding medical condition, care, and treatment.

The facility shall insure that each resident and guardian, if any:

(1) Is fully informed by a physician about his or her health and medical condition unless the physician decides that informing the resident is medically contraindicated and the physician documents this decision in the resident's record;

(2) Has the opportunity to participate in his or her total care and treatment;

(3) Has the opportunity to refuse treatment; and

(4) Gives informed, written consent before participating in experimental research.

[1979 ex.s. c 211 § 4.]

74.42.050
Residents to be treated with consideration, respect — Complaints.

(1) Residents shall be treated with consideration, respect, and full recognition of their dignity and individuality. Residents shall be encouraged and assisted in the exercise of their rights as residents of the facility and as citizens.

(2) A resident or guardian, if any, may submit complaints or recommendations concerning the policies of the facility to the staff and to outside representatives of the resident's choice. No facility may restrain, interfere, coerce, discriminate, or retaliate in any manner against a resident who submits a complaint or recommendation.

[1979 ex.s. c 211 § 5.]

74.42.055
Discrimination against medicaid recipients prohibited.

(1) The purpose of this section is to prohibit discrimination against medicaid recipients by nursing homes which have contracted with the department to provide skilled or intermediate nursing care services to medicaid recipients.

(2) A nursing facility shall readmit a resident, who has been hospitalized or on therapeutic leave, immediately to the first available bed in a semiprivate room if the resident:

(a) Requires the services provided by the facility; and

(b) Is eligible for medicaid nursing facility services.

(3) It shall be unlawful for any nursing home which has a medicaid contract with the department:

(a) To require, as a condition of admission, assurance from the patient or any other person that the patient is not eligible for or will not apply for medicaid;

(b) To deny or delay admission or readmission of a person to a nursing home because of his or her status as a medicaid recipient;

(c) To transfer a patient, except from a private room to another room within the nursing home, because of his or her status as a medicaid recipient;

(d) To transfer a patient to another nursing home because of his or her status as a medicaid recipient;

(e) To discharge a patient from a nursing home because of his or her status as a medicaid recipient; or

(f) To charge any amounts in excess of the medicaid rate from the date of eligibility, except for any supplementation permitted by the department pursuant to RCW 18.51.070.

(4) Any nursing home which has a medicaid contract with the department shall maintain one list of names of persons seeking admission to the facility, which is ordered by the date of request for admission. This information shall be retained for one year from the month admission was requested. However, except as provided in subsection (2) of this section, a nursing facility is permitted to give preferential admission to individuals who seek admission from a boarding home, licensed under chapter 18.20 RCW, or from independent retirement housing, provided the nursing facility is owned by the same entity that owns the boarding home or independent housing which are located within the same proximate geographic area; and provided further, the purpose of such preferential admission is to allow continued provision of: (a) Culturally or faith-based services, or (b) services provided by a continuing care retirement community as defined in RCW 70.38.025.

(5) The department may assess monetary penalties of a civil nature, not to exceed three thousand dollars for each violation of this section.

(6) Because it is a matter of great public importance to protect senior citizens who need medicaid services from discriminatory treatment in obtaining long-term health care, any violation of this section shall be construed for purposes of the application of the consumer protection act, chapter 19.86 RCW, to constitute an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce.

(7) It is not an act of discrimination under this chapter to refuse to admit a patient if admitting that patient would prevent the needs of the other patients residing in that facility from being met at that facility, or if the facility's refusal is consistent with subsection (4) of this section.

[2004 c 34 § 1; 1987 c 476 § 30; 1985 c 284 § 3.]

Notes:

Effective date -- 2004 c 34: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 22, 2004]." [2004 c 34 § 2.]

74.42.056
Department assessment of medicaid eligible individuals — Requirements.

A nursing facility shall not admit any individual who is medicaid eligible unless that individual has been assessed by the department. Appropriate hospital discharge shall not be delayed pending the assessment.

To ensure timely hospital discharge of medicaid eligible persons, the date of the request for a department long-term care assessment, or the date that nursing home care actually begins, whichever is later, shall be deemed the effective date of the initial service and payment authorization. The department shall respond promptly to such requests.

A nursing facility admitting an individual without a request for a department assessment shall not be reimbursed by the department and shall not be allowed to collect payment from a medicaid eligible individual for any care rendered before the date the facility makes a request to the department for an assessment. The date on which a nursing facility makes a request for a department long-term care assessment, or the date that nursing home care actually begins, whichever is later, shall be deemed the effective date of initial service and payment authorization for admissions regardless of the source of referral.

A medicaid eligible individual residing in a nursing facility who is transferred to an acute care hospital shall not be required to have a department assessment under this section prior to returning to the same or another nursing facility.

[1995 1st sp.s. c 18 § 7.]

Notes:

Conflict with federal requirements -- Severability -- Effective date -- 1995 1st sp.s. c 18: See notes following RCW 74.39A.030.

74.42.057
Notification regarding resident likely to become medicaid eligible.

If a nursing facility has reason to know that a resident is likely to become financially eligible for medicaid benefits within one hundred eighty days, the nursing facility shall notify the patient or his or her representative and the department. The department may:

(1) Assess any such resident to determine if the resident prefers and could live appropriately at home or in some other community-based setting; and

(2) Provide case management services to the resident.

[1995 1st sp.s. c 18 § 8.]

Notes:

Conflict with federal requirements -- Severability -- Effective date -- 1995 1st sp.s. c 18: See notes following RCW 74.39A.030.

74.42.058
Department case management services.

(1) To the extent of available funding, the department shall provide case management services to assist nursing facility residents, in conjunction and partnership with nursing facility staff. The purpose of the case management services is to assist residents and their families to assess the appropriateness and availability of home and community services that could meet the resident's needs so that the resident and family can make informed choices.

(2) To the extent of available funding, the department shall provide case management services to nursing facility residents who are:

(a) Medicaid funded;

(b) Dually medicaid and medicare eligible;

(c) Medicaid applicants; and

(d) Likely to become financially eligible for medicaid within one hundred eighty days, pursuant to RCW 74.42.057.

[1995 1st sp.s. c 18 § 9.]

Notes:

Conflict with federal requirements -- Severability -- Effective date -- 1995 1st sp.s. c 18: See notes following RCW 74.39A.030.

74.42.060
Management of residents' financial affairs.

The facility shall allow a resident or the resident's guardian to manage the resident's financial affairs. The facility may assist a resident in the management of his or her financial affairs if the resident requests assistance in writing and the facility complies with the record-keeping requirements of RCW 74.42.130 and the provisions of *chapter . . . (Senate Bill No. 2335), Laws of 1979.

[1979 ex.s. c 211 § 6.]

Notes:

***Reviser's note:** Senate Bill No. 2335 was not enacted during the 1979 legislative sessions. A similar bill was enacted in 1980 and became 1980 c 177, which is codified primarily in chapter 74.46 RCW.

74.42.070
Privacy.

Residents shall be given privacy during treatment and care of personal needs. Residents who are spouses or domestic partners shall be given privacy during visits with their spouses or their domestic partners. If both spouses or both domestic partners are residents of the facility, the facility shall permit the spouses or domestic partners to share a room, unless medically contraindicated.

[2008 c 6 § 305; 1979 ex.s. c 211 § 7.]

Notes:

Part headings not law -- Severability -- 2008 c 6: See RCW 26.60.900 and 26.60.901.

74.42.080
Confidentiality of records.

Residents' records, including information in an automatic data bank, shall be treated confidentially. The facility shall not release information from a resident's record to a person not otherwise authorized by law to receive the information without the resident's or the resident's guardian's written consent.

[1979 ex.s. c 211 § 8.]

74.42.090
Work tasks by residents.

No resident may be required to perform services for the facility; except that a resident may be required to perform work tasks specified or included in the comprehensive plan of care.

[1979 ex.s. c 211 § 9.]

74.42.100
Personal mail.

The facility shall not open the personal mail that residents send or receive.

[1979 ex.s. c 211 § 10.]

74.42.110
Freedom of association — Limits.

Residents shall be allowed to communicate, associate, meet privately with individuals of their choice, and participate in social, religious, and community group activities unless this infringes on the rights of other residents.

[1979 ex.s. c 211 § 11.]

74.42.120
Personal possessions.

The facility shall allow residents to have personal possessions as space or security permits.

[1979 ex.s. c 211 § 12.]

74.42.130
Individual financial records.

The facility shall keep a current, written financial record for each resident. The record shall include written receipts for all personal possessions and funds received by or deposited with the facility and for all disbursements made to or for the resident. The resident or guardian and the resident's family shall have access to the financial record.

[1979 ex.s. c 211 § 13.]

74.42.140
Prescribed plan of care — Treatment, medication, diet services.

The facility shall care for residents by providing residents with authorized medical services which shall include treatment, medication, and diet services, and any other services contained in the comprehensive plan of care or otherwise prescribed by the attending physician.

[1979 ex.s. c 211 § 14.]

74.42.150
Plan of care — Goals — Program — Responsibilities — Review.

(1) Under the attending physician's instructions, qualified facility staff will establish and maintain a comprehensive plan of care for each resident which shall be kept on file by the facility and be evaluated through review and assessment by the department. The comprehensive plan

contains:

(a) Goals for each resident to accomplish;

(b) An integrated program of treatment, therapies and activities to help each resident achieve those goals; and

(c) The persons responsible for carrying out the programs in the plan.

(2) Qualified facility staff shall review the comprehensive plan of care at least quarterly.

[1980 c 184 § 7; 1979 ex.s. c 211 § 15.]

74.42.160
Nursing care.

The facility shall provide the nursing care required for the classification given each resident. The nursing care shall help each resident to achieve and maintain the highest possible degree of function, self-care, and independence to the extent medically possible.

[1979 ex.s. c 211 § 16.]

74.42.170
Rehabilitative services.

(1) The facility shall provide rehabilitative services itself or arrange for the provision of rehabilitative services with qualified outside resources for each resident whose comprehensive plan of care requires the provision of rehabilitative services.

(2) The rehabilitative service personnel shall be qualified therapists, qualified therapists' assistants, or mental health professionals. Other support personnel under appropriate supervision may perform the duties of rehabilitative service personnel.

(3) The rehabilitative services shall be designed to maintain and improve the resident's ability to function independently; prevent, as much as possible, advancement of progressive disabilities; and restore maximum function.

[1979 ex.s. c 211 § 17.]

74.42.180
Social services.

(1) The facility shall provide social services, or arrange for the provision of social services with qualified outside resources, for each resident whose comprehensive plan of care requires the provision of social services.

(2) The facility shall designate one staff member qualified by training or experience to be responsible for arranging for social services in the facility or with qualified outside resources and integrating social services with other elements of the plan of care.

[1979 ex.s. c 211 § 18.]

74.42.190
Activities program — Recreation areas, equipment.

The facility shall have an activities program designed to encourage each resident to maintain normal activity and help each resident return to self care. A staff member qualified by experience or training in directing group activities shall be responsible for the activities program. The facility shall provide adequate recreation areas with sufficient equipment and materials to support the program.

[1979 ex.s. c 211 § 19.]

74.42.200
Supervision of health care by physician — When required.

The health care of each resident shall be under the continuing supervision of a physician: PROVIDED, That a resident of a facility licensed pursuant to chapter 18.51 RCW but not certified by the federal government under Title XVIII or Title XIX of the Social Security Act as now or hereafter amended shall not be required to receive the continuing supervision of a health care practitioner licensed pursuant to chapter 18.22, 18.25, 18.32, 18.57, 18.71, and 18.83 RCW, nor shall the state of Washington require such continuing supervision as a condition of licensing. The physician shall see the resident whenever necessary, and as required and/or consistent with state and federal regulations.

[1980 c 184 § 8; 1979 ex.s. c 211 § 20.]

74.42.210
Pharmacist services.

The facility shall either employ a licensed pharmacist responsible for operating the facility's pharmacy or have a written agreement with a licensed pharmacist who will advise the facility on ordering, storage, administration, disposal, and recordkeeping of drugs and biologicals.

[1979 ex.s. c 211 § 21.]

74.42.220
Contracts for professional services from outside the agency.

(1) If the facility does not employ a qualified professional to furnish required services, the facility shall have a written contract with a qualified professional or agency outside the facility to furnish the required services. The terms of the contract, including terms about responsibilities, functions, and objectives, shall be specified. The contract shall be signed by the administrator, or the administrator's representative, and the qualified professional.

(2) All contracts for these services shall require the standards in RCW 74.42.010 through 74.42.570 to be met.

[1980 c 184 § 9; 1979 ex.s. c 211 § 22.]

74.42.225
Self-medication programs for residents — Educational program — Implementation.

The department shall develop an educational program for attending and staff physicians and patients on self-medication. The department shall actively encourage the implementation of such self-medication programs for residents.

[1980 c 184 § 18.]

74.42.230

Physician or authorized practitioner to prescribe medication.

(1) The resident's attending or staff physician or authorized practitioner approved by the attending physician shall order all medications for the resident. The order may be oral or written and shall be limited by time. An "authorized practitioner," as used in this section, is a registered nurse under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, an osteopathic physician assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners, or a physician assistant under chapter 18.71A RCW when authorized by the medical quality assurance commission.

(2) An oral order shall be given only to a licensed nurse, pharmacist, or another physician. The oral order shall be recorded and signed immediately by the person receiving the order. The attending physician shall sign the record of the oral order in a manner consistent with good medical practice.

[1994 sp.s. c 9 § 751; 1982 c 120 § 2; 1979 ex.s. c 211 § 23.]

Notes:

Severability -- Headings and captions not law -- Effective date -- 1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

74.42.240
Administering medication.

(1) No staff member may administer any medication to a resident unless the staff member is licensed to administer medication: PROVIDED, That nothing herein shall be construed as prohibiting graduate nurses or student nurses from administering medications when permitted to do so under chapter 18.79 RCW and rules adopted thereunder.

(2) The facility may only allow a resident to give himself or herself medication with the attending physician's permission.

(3) Medication shall only be administered to or used by the resident for whom it is ordered.

[1994 sp.s. c 9 § 752; 1989 c 372 § 5; 1979 ex.s. c 211 § 24.]

Notes:

Severability -- Headings and captions not law -- Effective date -- 1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

74.42.250
Medication stop orders — Procedure for persons with developmental disabilities.

(1) When the physician's order for medication does not include a specific time limit or a specific number of dosages, the facility shall notify the physician that the medication will be stopped at a date certain unless the medication is ordered continued by the physician. The facility shall so notify the physician every thirty days.

(2) A facility for the developmentally disabled shall have an automatic stop order on all drugs, unless such stoppage will place the patient in jeopardy.

[1979 ex.s. c 211 § 25.]

74.42.260
Drug storage, security, inventory.

(1) The facility shall store drugs under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security. Poisons, drugs used externally, and drugs taken internally shall be stored on separate shelves or in separate cabinets at all locations. When medication is stored in a refrigerator containing other items, the medication shall be kept in a separate compartment with proper security. All drugs shall be kept under lock and key unless an authorized individual is in attendance.

(2) The facility shall meet the drug security requirements of federal and state laws that apply to storerooms, pharmacies, and living units.

(3) If there is a drug storeroom separate from the pharmacy, the facility shall keep a perpetual inventory of receipts and issues of all drugs from that storeroom.

[1979 ex.s. c 211 § 26.]

74.42.270
Drug disposal.

Any drug that is discontinued or outdated and any container with a worn, illegible, or missing label shall be properly disposed.

[1979 ex.s. c 211 § 27.]

74.42.280
Adverse drug reaction.

Medication errors and adverse drug reactions shall be recorded and reported immediately to the practitioner who ordered the drug. The facility shall report adverse drug reactions consistent with good medical practice.

[1979 ex.s. c 211 § 28.]

74.42.285
Immunizations — Rules.

(1) Long-term care facilities shall:

(a) Provide access on-site or make available elsewhere for all residents to obtain the influenza virus immunization on an annual basis;

(b) Require that each resident, or the resident's legal representative, upon admission to the facility, be informed verbally and in writing of the benefits of receiving the influenza virus immunization and, if not previously immunized against pneumococcal disease, the benefits of the pneumococcal immunization.

(2) As used in this section, "long-term care facility" is limited to nursing homes licensed under chapter 18.51 RCW.

(3) The department of social and health services shall adopt rules to implement this section.

(4) This section and rules adopted under this section shall not apply to nursing homes conducted for those who rely exclusively upon treatment by nonmedical religious healing methods, including prayer.

[2002 c 256 § 2.]

Notes:

Intent -- Findings -- 2002 c 256: "It is the intent of the legislature to ensure that long-term care facilities are safe.

(1) The long-term care resident immunization act is intended to:

(a) Prevent and reduce the occurrence and severity of the influenza virus and pneumococcal disease by increasing the use of immunizations licensed by the food and drug administration;

(b) Avoid pain, suffering, and deaths that may result from the influenza virus and pneumococcal disease;

(c) Improve the well-being and quality of life of residents of long-term care facilities; and

(d) Reduce avoidable costs associated with treating the influenza virus and pneumococcal disease.

(2) The legislature finds that:

(a) Recent studies show that it is important to immunize older citizens against the influenza virus and pneumococcal disease;

(b) The centers for disease control and prevention recommend individuals living in long-term care facilities and those over age sixty-five receive immunizations against the influenza virus and pneumococcal disease;

(c) The influenza virus and pneumococcal disease have been identified as leading causes of death for citizens over age sixty-five; and

(d) Immunizations licensed by the food and drug administration are readily available and effective in reducing and preventing the severity of the influenza virus and pneumococcal disease." [2002 c 256 § 1.]

Short title -- 2002 c 256: "This act may be known and cited as the long-term care resident immunization act of 2002." [2002 c 256 § 3.]

74.42.290
Meal intervals — Food handling — Utensils — Disposal.

(1) The facility shall serve at least three meals, or their equivalent, daily at regular times with not

more than fourteen hours between a substantial evening meal and breakfast on the following day and not less than ten hours between breakfast and a substantial evening meal on the same day.

(2) Food shall be procured, stored, transported, and prepared under sanitary conditions in compliance with state and local regulations.

(3) Food of an appropriate quantity at an appropriate temperature shall be served in a form consistent with the needs of the resident;

(4) Special eating equipment and utensils shall be provided for residents who need them; and

(5) Food served and uneaten shall be discarded.

[1979 ex.s. c 211 § 29.]

74.42.300
Nutritionist — Menus, special diets.

(1) The facility shall have a staff member trained or experienced in food management and nutrition responsible for planning menus that meet the requirements of subsection (2) of this section and supervising meal preparation and service to insure that the menu plan is followed.

(2) The menu plans shall follow the orders of the resident's physician.

(3) The facility shall:

(a) Meet the nutritional needs of each resident;

(b) Have menus written in advance;

(c) Provide a variety of foods at each meal;

(d) Provide daily and weekly variations in the menus; and

(e) Adjust the menus for seasonal changes.

(4) If the facility has residents who require medically prescribed special diets, the menus for those residents shall be planned by a professionally qualified dietitian or reviewed and approved by the attending physician. The preparation and serving of meals shall be supervised to insure that the resident accepts the special diet.

[1979 ex.s. c 211 § 30.]

74.42.310
Staff duties at meals.

(1) A facility shall have sufficient personnel to supervise the residents, direct self-help dining skills, and to insure that each resident receives enough food.

(2) A facility shall provide table service for all residents, including residents in wheelchairs, who are capable and willing to eat at tables.

[1980 c 184 § 10; 1979 ex.s. c 211 § 31.]

74.42.320
Sanitary procedures for food preparation.

Facilities shall have effective sanitary procedures for the food preparation staff including procedures for cleaning food preparation equipment and food preparation areas.

[1979 ex.s. c 211 § 32.]

74.42.330
Food storage.

The facility shall store dry or staple food items at an appropriate height above the floor in a ventilated room not subject to sewage or waste water backflow or contamination by condensation, leakage, rodents or vermin. Perishable foods shall be stored at proper temperatures to conserve nutritive values.

[1979 ex.s. c 211 § 33.]

74.42.340
Administrative support — Purchasing — Inventory control.

(1) The facility shall provide adequate administrative support to efficiently meet the needs of residents and facilitate attainment of the facility's goals and objectives.

(2) The facility shall:

(a) Document the purchasing process;

(b) Adequately operate the inventory control system and stockroom;

(c) Have appropriate storage facilities for all supplies and surplus equipment; and

(d) Train and assist personnel to do purchase, supply, and property control functions.

[1980 c 184 § 11; 1979 ex.s. c 211 § 34.]

74.42.350
Organization chart.

The facility shall have and keep current an organization chart showing:

(1) The major operating programs of the facility;

(2) The staff divisions of the facility;

(3) The administrative personnel in charge of the programs and divisions; and

(4) The lines of authority, responsibility, and communication of administrative personnel.

[1979 ex.s. c 211 § 35.]

74.42.360
Adequate staff.

The facility shall have staff on duty twenty-four hours daily sufficient in number and qualifications to carry out the provisions of RCW 74.42.010 through 74.42.570 and the policies, responsibilities, and programs of the facility.

[1979 ex.s. c 211 § 36.]

74.42.370
Licensed administrator.

The facility shall have an administrator who is a licensed nursing home administrator under chapter 18.52 RCW. The administrator is responsible for managing the facility and implementing established policies and procedures.

[1979 ex.s. c 211 § 37.]

74.42.380
Director of nursing services.

(1) The facility shall have a director of nursing services. The director of nursing services shall be a registered nurse or an advanced registered nurse practitioner.

(2) The director of nursing services is responsible for:

(a) Coordinating the plan of care for each resident;

(b) Permitting only licensed personnel to administer medications: PROVIDED, That nothing herein shall be construed as prohibiting graduate nurses or student nurses from administering medications when permitted to do so under chapter 18.79 RCW and rules adopted under it: PROVIDED FURTHER, That nothing herein shall be construed as prohibiting persons certified under chapter 18.135 RCW from practicing pursuant to the delegation and supervision requirements of chapter 18.135 RCW and rules adopted under it; and

(c) Insuring that the licensed practical nurses and the registered nurses comply with chapter 18.79 RCW, and persons certified under chapter 18.135 RCW comply with the provisions of that chapter and rules adopted under it.

[1994 sp.s. c 9 § 753; 1989 c 372 § 6; 1985 c 284 § 2; 1979 ex.s. c 211 § 38.]

Notes:

Severability -- Headings and captions not law -- Effective date -- 1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

74.42.390

Communication system.

The facility shall have a communication system, including telephone service, that insures prompt contact of on-duty personnel and prompt notification of responsible personnel in an emergency.

[1979 ex.s. c 211 § 39.]

74.42.400
Engineering and maintenance personnel.

The facility shall have sufficient trained and experienced personnel for necessary engineering and maintenance functions.

[1979 ex.s. c 211 § 40.]

74.42.410
Laundry services.

The facility shall manage laundry services to meet the residents' daily clothing and linen needs. The facility shall have available at all times enough linen for the proper care and comfort of the residents.

[1979 ex.s. c 211 § 41.]

74.42.420
Resident record system.

The facility shall maintain an organized record system containing a record for each resident. The record shall contain:

(1) Identification information;

(2) Admission information, including the resident's medical and social history;

(3) A comprehensive plan of care and subsequent changes to the comprehensive plan of care;

(4) Copies of initial and subsequent periodic examinations, assessments, evaluations, and progress notes made by the facility and the department;

(5) Descriptions of all treatments, services, and medications provided for the resident since the resident's admission;

(6) Information about all illnesses and injuries including information about the date, time, and action taken; and

(7) A discharge summary.

Resident records shall be available to the staff members directly involved with the resident and to appropriate representatives of the department. The facility shall protect resident records against destruction, loss, and unauthorized use. The facility shall keep a resident's record after the resident is discharged as provided in RCW 18.51.300.

[1979 ex.s. c 211 § 42.]

74.42.430
Written policy guidelines.

The facility shall develop written guidelines governing:

(1) All services provided by the facility;

(2) Admission, transfer or discharge;

(3) The use of chemical and physical restraints, the personnel authorized to administer restraints in an emergency, and procedures for monitoring and controlling the use of the restraints;

(4) Procedures for receiving and responding to residents' complaints and recommendations;

(5) Access to, duplication of, and dissemination of information from the resident's record;

(6) Residents' rights, privileges, and duties;

(7) Procedures if the resident is adjudicated incompetent or incapable of understanding his or her rights and responsibilities;

(8) When to recommend initiation of guardianship proceedings under chapter 11.88 RCW;

and

(9) Emergencies;

(10) Procedures for isolation of residents with infectious diseases;

(11) Procedures for residents to refuse treatment and for the facility to document informed refusal.

The written guidelines shall be made available to the staff, residents, members of residents' families, and the public.

[1980 c 184 § 12; 1979 ex.s. c 211 § 43.]

74.42.440
Facility rated capacity not to be exceeded.

The facility may only admit individuals when the facility's rated capacity will not be exceeded and when the facility has the capability to provide adequate treatment, therapy, and activities.

[1979 ex.s. c 211 § 44.]

74.42.450
Residents limited to those the facility qualified to care for — Transfer or discharge of residents — Appeal of department discharge decision — Reasonable accommodation.

(1) The facility shall admit as residents only those individuals whose needs can be met by:

(a) The facility;

(b) The facility cooperating with community resources; or

(c) The facility cooperating with other providers of care affiliated or under contract with the facility.

(2) The facility shall transfer a resident to a hospital or other appropriate facility when a change occurs in the resident's physical or mental condition that requires care or service that the facility cannot provide. The resident, the resident's guardian, if any, the resident's next of kin, the attending physician, and the department shall be consulted at least fifteen days before

a transfer or discharge unless the resident is transferred under emergency circumstances. The department shall use casework services or other means to insure that adequate arrangements are made to meet the resident's needs.

(3) A resident shall be transferred or discharged only for medical reasons, the resident's welfare or request, the welfare of other residents, or nonpayment. A resident may not be discharged for nonpayment if the discharge would be prohibited by the medicaid program.

(4) If a resident chooses to remain in the nursing facility, the department shall respect that choice, provided that if the resident is a medicaid recipient, the resident continues to require a nursing facility level of care.

(5) If the department determines that a resident no longer requires a nursing facility level of care, the resident shall not be discharged from the nursing facility until at least thirty days after written notice is given to the resident, the resident's surrogate decision maker and, if appropriate, a family member or the resident's representative. A form for requesting a hearing to appeal the discharge decision shall be attached to the written notice. The written notice shall include at least the following:

(a) The reason for the discharge;

(b) A statement that the resident has the right to appeal the discharge; and

(c) The name, address, and telephone number of the state long-term care ombudsman.

(6) If the resident appeals a department discharge decision, the resident shall not be discharged without the resident's consent until at least thirty days after a final order is entered upholding the decision to discharge the resident.

(7) Before the facility transfers or discharges a resident, the facility must first attempt through reasonable accommodations to avoid the transfer or discharge unless the transfer or discharge is agreed to by the resident. The facility shall admit or retain only individuals whose needs it can safely and appropriately serve in the facility with available staff or through the provision of reasonable accommodations required by state or federal law. "Reasonable accommodations" has the meaning given to this term under the federal Americans with disabilities act of 1990, 42 U.S.C. Sec. 12101 et seq. and other applicable federal or state antidiscrimination laws and regulations.

[1997 c 392 § 216; 1995 1st sp.s. c 18 § 64; 1979 ex.s. c 211 § 45.]

Notes:

Short title -- Findings -- Construction -- Conflict with federal requirements -- Part headings and captions not law -- 1997 c 392: See notes following RCW 74.39A.009.

Conflict with federal requirements -- Severability -- Effective date -- 1995 1st sp.s. c 18: See notes following RCW 74.39A.030.

74.42.460
Organization plan and procedures.

The facility shall have a written staff organization plan and detailed written procedures to meet potential emergencies and disasters. The facility shall clearly communicate and periodically review the plan and procedures with the staff and residents. The plan and procedures shall be posted at suitable locations throughout the facility.

[1979 ex.s. c 211 § 46.]

74.42.470
Infected employees.

No employee with symptoms of a communicable disease may work in a facility. The facility shall have written guidelines that will help enforce this section.

[1979 ex.s. c 211 § 47.]

74.42.480
Living areas.

The facility shall design and equip the resident living areas for the comfort and privacy of each resident.

[1979 ex.s. c 211 § 48.]

74.42.490
Room requirements — Waiver.

Each resident's room shall:

(1) Be equipped with or conveniently located near toilet and bathing facilities;

(2) Be at or above grade level;

(3) Contain a suitable bed for each resident and other appropriate furniture;

(4) Have closet space that provides security and privacy for clothing and personal belongings;

(5) Contain no more than four beds;

(6) Have adequate space for each resident; and

(7) Be equipped with a device for calling the staff member on duty.

The department may waive the space, occupancy, and certain equipment requirements of this section for an existing building constructed prior to January 1, 1980, or space and certain equipment for new intermediate care facilities for persons with intellectual disabilities for as long as the department considers appropriate if the department finds that the requirements would result in unreasonable hardship on the facility, the waiver serves the particular needs of the residents, and the waiver does not adversely affect the health and safety of the residents.

[2010 c 94 § 28; 1980 c 184 § 13; 1979 ex.s. c 211 § 49.]

Notes:

Purpose -- 2010 c 94: See note following RCW 44.04.280.

74.42.500
Toilet and bathing facilities.

Toilet and bathing facilities shall be located in or near residents' rooms and shall be appropriate in number, size, and design to meet the needs of the residents. The facility shall provide an adequate supply of hot water at all times for resident use. Plumbing shall be equipped with control valves that automatically regulate the temperature of the hot water used by residents.

[1979 ex.s. c 211 § 50.]

74.42.510
Room for dining, recreation, social activities — Waiver.

The facility shall provide one or more areas not used for corridor traffic for dining, recreation, and social activities. A multipurpose room may be used if it is large enough to accommodate all of the activities without the activities interfering with each other: PROVIDED, That the department may waive the provisions of this section for facilities constructed prior to January 1, 1980.

[1979 ex.s. c 211 § 51.]

74.42.520
Therapy area.

The facility's therapy area shall be large enough and designed to accommodate the necessary equipment, conduct an examination, and provide treatment: PROVIDED, That developmentally disabled facilities shall not be subject to the provisions of this section if therapeutic services are obtained by contract with other facilities.

[1979 ex.s. c 211 § 52.]

74.42.530
Isolation areas.

The facility shall have isolation areas for residents with infectious diseases or make other provisions for isolating these residents.

[1979 ex.s. c 211 § 53.]

74.42.540
Building requirements.

(1) The facility shall be accessible to and usable by all residents, personnel, and the public, including individuals with disabilities: PROVIDED, That no substantial structural changes shall be required in any facilities constructed prior to January 1, 1980.

(2) The facility shall meet the requirements of American National Standards Institute (ANSI) standard No. A117.1 (1961), or, if applicable, the requirements of chapter 70.92 RCW if the requirements are stricter than ANSI standard No. A117.1 (1961), unless the department waives the requirements of ANSI standard No. A117.1 (1961) under subsection (3) of this section.

(3) The department may waive, for as long as the department considers appropriate, provisions of ANSI standard No. A117.1 (1961) if:

(a) The construction plans for the facility or a part of the facility were approved by the department before March 18, 1974;

(b) The provisions would result in unreasonable hardship on the facility if strictly enforced; and

(c) The waiver does not adversely affect the health and safety of the residents.

[1979 ex.s. c 211 § 54.]

74.42.550
Handrails.

The facility shall have handrails that are firmly attached to the walls in all corridors used by residents: PROVIDED, That the department may waive the provisions of this section in developmentally disabled facilities.

[1979 ex.s. c 211 § 55.]

74.42.560
Emergency lighting for facilities housing persons with developmental disabilities.

If a living unit of a facility for the developmentally disabled houses more than fifteen residents, the living unit shall have emergency lighting with automatic switches for stairs and exits.

[1979 ex.s. c 211 § 56.]

74.42.570
Health and safety requirements.

The facility shall meet state and local laws, rules, regulations, and codes pertaining to health and safety.

[1980 c 184 § 14; 1979 ex.s. c 211 § 57.]

74.42.580
Penalties for violation of standards.

The department may deny, suspend, revoke, or refuse to renew a license or provisional license, assess monetary penalties of a civil nature, deny payment, seek receivership, order stop placement, appoint temporary management, order emergency closure, or order emergency transfer as provided in RCW 18.51.054 and 18.51.060 for violations of requirements of this chapter or, in the case of medicaid contractors, the requirements of Title XIX of the social security act, as amended, or rules adopted thereunder. Chapter 34.05 RCW shall apply to any such actions, except for receivership, and except that stop placement, appointment of temporary management, emergency closure, emergency transfer, and summary license suspension shall be effective pending any hearing, and except that denial of payment shall be effective pending any hearing when the department determines deficiencies jeopardize the health and safety of the residents or seriously limit the nursing home's capacity to provide adequate care.

[1989 c 372 § 13; 1987 c 476 § 27; 1980 c 184 § 15; 1979 ex.s. c 211 § 58.]

74.42.600
Department inspections — Notice of noncompliance — Penalties — Coordination with department of health.

(1) In addition to the inspection required by chapter 18.51 RCW, the department shall inspect the facility for compliance with resident rights and direct care standards of this chapter. The department may inspect any and all other provisions randomly, by exception profiles, or during complaint investigations.

(2) If the facility has not complied with all the requirements of this chapter, the department shall notify the facility in writing that the facility is in noncompliance and describe the reasons for the facility's noncompliance and the department may impose penalties in accordance with RCW 18.51.060.

(3) To avoid unnecessary duplication in inspections, the department shall coordinate with the department of health when inspecting medicaid-certified or medicare-certified, or both, long-term care beds in hospitals for compliance with Title XVIII or XIX of the social security act.

[1995 c 282 § 5; 1987 c 476 § 28; 1982 c 120 § 3; 1980 c 184 § 17; 1979 ex.s. c 211 § 60.]

74.42.620
Departmental rules.

The department shall adopt rules pursuant to chapter 34.05 RCW necessary to carry out the policies and provisions of RCW 74.42.010 through 74.42.570. The department shall amend or repeal any rules that are in conflict with RCW 74.42.010 through 74.42.570.

[1979 ex.s. c 211 § 62.]

74.42.630
Conflict with federal requirements.

If any part of chapter 184, Laws of 1980 shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this act; the rules and regulations under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

[1980 c 184 § 21.]

74.42.640
Quality assurance committee.

(1) To ensure the proper delivery of services and the maintenance and improvement in quality of care through self-review, each facility may maintain a quality assurance committee that, at a minimum, includes:

(a) The director of nursing services;

(b) A physician designated by the facility; and

(c) Three other members from the staff of the facility.

(2) When established, the quality assurance committee shall meet at least quarterly to identify issues that may adversely affect quality of care and services to residents and to develop and implement plans of action to correct identified quality concerns or deficiencies in

the quality of care provided to residents.

(3) To promote quality of care through self-review without the fear of reprisal, and to enhance the objectivity of the review process, the department shall not require, and the long-term care ombudsman program shall not request, disclosure of any quality assurance committee records or reports, unless the disclosure is related to the committee's compliance with this section, if:

(a) The records or reports are not maintained pursuant to statutory or regulatory mandate; and

(b) The records or reports are created for and collected and maintained by the committee.

(4) The department may request only information related to the quality assurance committee that may be necessary to determine whether a facility has a quality assurance committee and that it is operating in compliance with this section.

(5) Good faith attempts by the committee to identify and correct quality deficiencies shall not be used as a basis for imposing sanctions.

(6) If the facility offers the department documents generated by, or for, the quality assurance committee as evidence of compliance with nursing facility requirements, the documents are protected as quality assurance committee documents under subsections (7) and (9) of this section when in the possession of the department. The department is not liable for an inadvertent disclosure, a disclosure related to a required federal or state audit, or disclosure of documents incorrectly marked as quality assurance committee documents by the facility.

(7) Information and documents, including the analysis of complaints and incident reports, created specifically for, and collected and maintained by, a quality assurance committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the care that is the basis of the civil action whose involvement was independent of any quality improvement committee activity; and (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of their participation in the quality assurance committee activities.

(8) A quality assurance committee under subsection (1) of this section, RCW 18.20.390, 70.41.200, 4.24.250, or 43.70.510 may share information and documents, including the analysis of complaints and incident reports, created specifically for, and collected and maintained by, the committee, with one or more other quality assurance committees created

under subsection (1) of this section, RCW 18.20.390, 70.41.200, 4.24.250, or 43.70.510 for the improvement of the quality of care and services rendered to nursing facility residents. Information and documents disclosed by one quality assurance committee to another quality assurance committee and any information and documents created or maintained as a result of the sharing of information and documents shall not be subject to the discovery process and confidentiality shall be respected as required by subsections (7) and (9) of this section, RCW 18.20.390 (6) and (8), 43.70.510(4),70.41.200 (3), and 4.24.250(1). The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws.

(9) Information and documents, including the analysis of complaints and incident reports, created specifically for, and collected and maintained by, a quality assurance committee are exempt from disclosure under chapter 42.56 RCW.

(10) Notwithstanding any records created for the quality assurance committee, the facility shall fully set forth in the resident's records, available to the resident, the department, and others as permitted by law, the facts concerning any incident of injury or loss to the resident, the steps taken by the facility to address the resident's needs, and the resident outcome.

(11) A facility operated as part of a hospital licensed under chapter 70.41 RCW may maintain a quality assurance committee in accordance with this section which shall be subject to the provisions of subsections (1) through (10) of this section or may conduct quality improvement activities for the facility through a quality improvement committee under RCW 70.41.200 which shall be subject to the provisions of RCW 70.41.200(9).

[2006 c 209 § 13; 2005 c 33 § 3.]

Notes:

Effective date -- 2006 c 209: See RCW 42.56.903.

Findings -- 2005 c 33: See note following RCW 18.20.390.

74.42.900
Severability — 1979 ex.s. c 211.

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.

[1979 ex.s. c 211 § 69.]

74.42.910
Construction — Conflict with federal requirements.

If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

[1979 ex.s. c 211 § 70.]

74.42.920
Chapter 74.42 RCW suspended — Effective date delayed until January 1, 1981.

Chapter 74.42 RCW shall be suspended immediately, and its effective date delayed so that it shall take effect on January 1, 1981.

[1980 c 184 § 19; 1979 ex.s. c 211 § 72.]

Notes:

Effective date -- 1980 c 184 § 19: "Section 19 of this 1980 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 [April 4, 1980]." [1980 c 184 § 22.]

DISPOSITIONS OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-97-005 Definitions. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-005, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-005, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-005, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-010 License -- Application. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-010, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-012 Nursing facility care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-012, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-015 License -- Qualification. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-015, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-017 Discrimination prohibited. [Statutory Authority: RCW 18.51.070, 74.42.620, and 2004 c 34. 04-20-055, § 388-97-017, filed 10/1/04, effective 11/1/04. Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-017, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-020 Nursing home fees. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-020, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-022 Medical eligibility for nursing facility care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-022, filed 2/24/00, effective 3/26/00.] Repealed by 00-22-018, filed 10/20/00, effective 10/31/00. Statutory Authority: RCW 74.39A.040, 74.42.056.

388-97-025 License capacity. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-025, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-027 Nursing facility admission and payment requirements. [Statutory Authority: RCW 74.39A.040, 74.42.056. 00-22-018, § 388-97-027, filed 10/20/00, effective 10/31/00. Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-027, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-030 Change of ownership. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-030, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-032 Discharge planning. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-032, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-035 Change in administrator or director of nursing services. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-035, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-037 Utilization review. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-037, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-040 Name of nursing home. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-040, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-042 Individual transfer and discharge rights and procedures. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-042, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-043 Transfer and discharge appeals for residents in medicare or medicaid certified facilities. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-043, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-043, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-045 License relinquishment upon closure. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-045, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-047 Discharge or leave of a nursing facility resident. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-047, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-050 License denial, modification, nonrenewal, revocation. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-050, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-051 Resident rights. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-051, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-052 Free choice. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-052, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-053 Statutes implemented in resident decision making, informed consent and advance

directives. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-053, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-055 Resident decision making. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-055, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-055, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-060 Informed consent. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-060, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-060, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-065 Advance directives. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-065, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-065, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-070 Resident rights. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-070, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-07005 Notice of rights and services. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-07005, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-07005, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07010 Notification of changes. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07015 Protection of resident funds. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07015, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07020 Privacy and confidentiality. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07025 Work. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07025, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07030 Self-administration of drugs. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-

062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07035 Grievance rights. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07035, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07040 Examination of survey results. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-07040, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-07040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07045 Resident mail. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07045, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07050 Access and visitation rights. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-07050, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-07050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07055 Telephone. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07055, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07060 Personal property. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07060, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07065 Roommates/rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07065, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-07070 Refusal of certain transfers. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-07070, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-075 Chemical and physical restraints. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-075, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-075, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-076 Prevention of abuse. [Statutory Authority: RCW 74.34.165, 74.34.020, 74.34.035, 2003 c 230. 03-23-021, § 388-97-076, filed 11/10/03, effective 12/11/03. Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-076, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-076, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory

Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-077 Resident protection program. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-077, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-080 Quality of life. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-080, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-08010 Resident dignity and accommodation of needs. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-08020 Environment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-08030 Self-determination and participation. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-08040 Participation in resident and family groups. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-08050 Activities. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-08060 Social services. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08060, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-08070 Pets. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-08070, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-085 Resident assessment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-085, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-085, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-090 Comprehensive plan of care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-090, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-090, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062,

filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-095 Dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-095, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-097 Dementia care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-097, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-100 Discharge planning. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-100, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-105 Relocation due to decertification, license revocation closure, evacuation. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-105, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-110 Quality of care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-110, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-110, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-115 Nursing services. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-115, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-115, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-120 Dietary services. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-120, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-120, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-12010 Meal provision. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-12020 Individual dietary needs. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-12030 Dietary personnel. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-12040 Dietary menus. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, §

388-97-12040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-12050 Diet orders. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-12060 Modified diets. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12060, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-12070 Tube feedings. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-12070, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-125 Physician services. [Statutory Authority: RCW 18.51.070, 74.42.620, 74.42.200 and 42 C.F.R. 483.40. 04-23-085, § 388-97-125, filed 11/16/04, effective 12/17/04. Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-125, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-125, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-130 Specialized habilitative and rehabilitative services. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-130, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-130, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-135 Pharmacy services. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-135, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-135, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-140 Infection control. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-140, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-140, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-1420 Tuberculosis -- Mantoux skin testing. [Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-1420, filed 9/24/08, effective 11/1/08.] Repealed by 10-02-021, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW.

388-97-143 Influenza and pneumococcal immunizations. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-23-030, § 388-97-143, filed 11/12/02, effective 12/13/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-145 Early identification of persons with active tuberculosis. [Statutory Authority: RCW

18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-145, filed 9/15/94

18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-145, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-147 Surveillance, management and early identification of individuals with active tuberculosis. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-147, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-150 Surveillance and management of tuberculosis. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-150, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-155 Care of residents with active tuberculosis. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-155, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-155, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-160 General administration. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-160, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-160, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-160, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-162 Required notification and reporting. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-162, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-162, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-165 Staff and equipment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-165, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-165, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-170 Staff development. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-170, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-170, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-175 Medical director. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-175, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-175, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-180 Clinical records. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-180, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-180, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-180, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08.

Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-185 Disaster and emergency preparedness. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-185, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-185, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-190 Quality assessment and assurance. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-190, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-190, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-195 Policies and procedures. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-195, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-195, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-200 Criminal history disclosure and background inquiries. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-200, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-202 Criminal history disclosure and background inquiries. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-202, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-202, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-203 Disqualification from nursing home employment. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-203, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-204 Retaliation or discrimination prohibited. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-204, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-205 Laundry services. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-205, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-205, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-205, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-210 Respite services. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-210, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-212 Short-term care, including respite services and adult day or night care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-212, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-215 Adult day or night care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-

388-97-215 Adult day or night care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-215, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-220 Dialysis services. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-220, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-220, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-225 Nursing facility care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-225, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-230 Discrimination prohibited. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-230, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-235 Medical eligibility for nursing facility care. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-235, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-240 Nursing facility admission. [Statutory Authority: 1995 c 18, RCW 18.51.070, 74.42.620 and 74.42.056. 95-24-019 (Order 3922), § 388-97-240, filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-240, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-245 Pre-admission screening. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-245, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-247 Preadmission screening--Level I. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-247, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-249 Advanced categorical determinations, not subject to preadmission screening--Level II. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-249, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-250 Identification screening for current residents. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-250, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-251 Preadmission screening--Level II. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-251, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51

by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-253 Resident review. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-253, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-255 Pre-admission screening and annual resident review (PASARR). [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-255, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-260 Preadmission screening and resident review (PASRR) determination and appeal rights. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-260, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-260, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-260, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-265 Utilization review. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-265, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-270 Individual transfer and discharge rights, procedures, appeals. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-270, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-275 Resident assessment instrument. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-275, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-280 Discharge or leave of a nursing facility resident. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-280, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-285 Intermediate care facilities for the mentally retarded (ICF/MR). [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-285, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-285, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-295 Design. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-295, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-295, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-29510 New construction compliance. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29510, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-29520 Fire standards and approval, and other standards. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29520, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-29530 Maintenance and repair. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29530, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-29540 Noise. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29540, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-29550 Accessibility in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29550, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-29560 Types of new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-29560, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-300 Fire standards and approval. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-300, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-305 Other standards. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-305, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-310 ICF/MR exceptions to physical plant requirements. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-310, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-310, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-315 Emergency power. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-315, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-315, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-320 Space and equipment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-320, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-325 Location of the resident care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-325, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-325, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and

74.42 RCW and 42 C.F.R. 489.52.

388-97-32510 Required service areas on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32510, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-32520 Staff work stations on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32520, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-32530 Call systems on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32530, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-32540 Telephones on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32540, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-32550 Utility service rooms on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32550, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-32560 Drug facilities on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32560, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-32570 Linen storage on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32570, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-32580 Janitors closets on resident care units. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-32580, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-330 Resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-330, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-330, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33010 Capacity of resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33020 Size of resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42

RCW and 42 C.F.R. 489.52.

388-97-33030 Privacy in resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33040 Resident isolation rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33050 Resident room size variance. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-335 Resident room equipment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-335, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-335, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33510 Resident bed and bedside equipment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33510, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33520 Lockable storage space in a resident room. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33520, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33530 Wardrobes in a resident room. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33530, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33540 Seating in a resident room. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33540, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33550 Lighting in resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33550, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33560 Call signal device in resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33560, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33570 Cubicle curtains in resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33570, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-33580 Miscellaneous equipment in resident rooms in a new building or addition. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-33580, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-340 Resident toilet facilities or rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-340, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-340, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-34010 Resident bathing facilities or rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-34010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-34020 Locks in toilet and bathing facilities. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-34020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-345 Dining, dayrooms, and resident activity areas. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-345, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-345, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-347 Laundry services and storage. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-347, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-350 Dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-350, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-350, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-35010 Dining areas on a dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-35020 Outdoor areas on a dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-35030 Indoor areas on a dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-35040 Ambulation route on a dementia care unit in a new building or addition. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-35040, filed 6/27/02,

effective 7/28/02; 00-06-028, § 388-97-35040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-35050 Physical plant on a dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-35060 Special egress control devices on a dementia care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35060, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-352 Specialized rehabilitation. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-352, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-353 Outpatient rehabilitation. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-353, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-355 Food service areas. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-355, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-355, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-357 Storage of equipment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-357, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-35710 Storage of resident room equipment in a new building or addition. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35710, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-35720 General storage in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-35720, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-360 Lighting. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-360, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-360, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36010 Natural or artificial light. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42

RCW and 42 C.F.R. 489.52.

388-97-36020 Outside lighting. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36030 Light shields. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36040 Illumination levels in new buildings and additions. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36050 Night lights in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36060 Switches in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36060, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36070 Electrical outlets. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36070, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-365 Safety. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-365, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-365, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36510 Safety -- Poisons and nonmedical chemicals. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36510, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36520 Safety -- Storage of equipment and supplies. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36520, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-36530 Safety -- Handrails. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-36530, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-370 Water supply. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-370, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-370, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42

C.F.R. 489.52.

388-97-37010 Hot water. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-37010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-37020 Cross connections. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-37020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-375 Pest control. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-375, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-375, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-380 Maintenance and repair. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-380, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-3820 Stairways, ramps, and corridors in new construction. [Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. 08-20-062, § 388-97-3820, filed 9/24/08, effective 11/1/08.] Repealed by 10-02-021, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW.

388-97-385 Sewage and liquid waste disposal. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-385, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-385, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-390 General. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-390, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-395 Design requirements. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-395, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-400 General new construction documents. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-400, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-400, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-40010 Preliminary new construction documents. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-40010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-401 Final new construction documents. [Statutory Authority: RCW 18.51.070 and

74.42.620. 00-06-028, § 388-97-401, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-402 Preinstallation submissions for new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-402, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-403 New construction timelines. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-403, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-405 Exemptions to new construction requirements. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-405, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-405, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-410 State building code in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-410, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-410, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-415 Electrical codes and standards in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-415, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-415, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-420 Elevator codes in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-420, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-420, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-425 Local codes and ordinances in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-425, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-425, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-430 Entrances and exits in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-430, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-430, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-43010 Lobbies in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-43020 Interview space in new construction. [Statutory Authority: RCW 18.51.070 and

74.42.620. 00-06-028, § 388-97-43020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-43030 Offices in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-43040 Inservice education space in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-43050 Staff areas in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-43050, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-435 Resident care unit. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-435, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-440 Resident rooms. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-440, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-445 Resident room equipment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-445, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-450 Resident toilet and bathing facilities. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-450, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-455 Visiting and private space in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-455, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-455, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-45510 Outdoor recreation space and walkways in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-45510, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-460 Pools in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-460, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-460, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46010 Pharmacies in new construction. [Statutory Authority: RCW 18.51.070 and

74.42.620. 00-06-028, § 388-97-46010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-465 Elevators in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-465, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-465, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46510 Stairways, ramps, and corridors in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46510, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46520 Walking surfaces in a new building or addition. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46520, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46530 Doors in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46530, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46540 Floor finishes in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46540, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46550 Carpets in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46550, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46560 Coving in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46560, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46570 Walls in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46570, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46580 Accessories in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46580, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-46590 Miscellaneous in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-46590, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-470 Heating systems in new construction. [Statutory Authority: RCW 18.51.070 and

74.42.620. 00-06-028, § 388-97-470, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-470, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-47010 Cooling systems in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-47010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-47020 Ventilation systems in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-47020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-475 Electrical. [Statutory Authority: RCW 18.51.070 and 74.42.620. 94-19-041 (Order 3782), § 388-97-475, filed 9/15/94, effective 10/16/94.] Repealed by 00-06-028, filed 2/24/00, effective 3/26/00. Statutory Authority: RCW 18.51.070 and 74.42.620.

388-97-480 Handwashing sinks in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-480, filed 2/24/00, effective 3/26/00; 94-19-041 (Order 3782), § 388-97-480, filed 9/15/94, effective 10/16/94.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-48010 Drinking fountains in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-48010, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-48020 Mixing valves or mixing faucets in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-48020, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-48030 Spouts in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-48030, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-48040 Faucet controls in new construction. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-48040, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-550 Initial nursing home license. [Statutory Authority: RCW 18.51.050. 02-20-058, § 388-97-550, filed 9/27/02, effective 10/28/02. Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-550, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-555 Nursing home license renewal. [Statutory Authority: RCW 18.51.050. 02-20-058, § 388-97-555, filed 9/27/02, effective 10/28/02. Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-555, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory

Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-560 Department review of initial nursing home license applications. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-560, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-565 Department review of nursing home license renewals. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-565, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-565, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-570 Reasons for denial, suspension, modification, revocation of, or refusal to renew a nursing home license. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-23-030, § 388-97-570, filed 11/12/02, effective 12/13/02; 02-14-063, § 388-97-570, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-570, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-575 Appeal of the department's licensing decision. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-575, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-575, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-580 Management agreements. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-580, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-580, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-585 Change of ownership. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-585, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-585, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-590 Licensed bed capacity. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-590, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-595 Relocation of residents. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-595, filed 6/27/02, effective 7/28/02; 00-06-028, § 388-97-595, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-600 License relinquishment. [Statutory Authority: RCW 18.51.070 and 74.42.620. 00-06-028, § 388-97-600, filed 2/24/00, effective 3/26/00.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-605 Inspections and deficiency citation report. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-605, filed 6/27/02, effective 7/28/02.] Repealed

by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-610 Plan of correction. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-610, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-615 Acceptable and unacceptable plans of correction. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-615, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-620 Informal department review. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-620, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-625 Notice and appeal rights. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-625, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-630 Remedies. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-630, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-635 Criteria for imposing optional remedies. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-635, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-640 Severity and scope of deficiencies. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-640, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-645 Separate deficiencies -- Separate remedies. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-645, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-650 Stop placement. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-23-030, § 388-97-650, filed 11/12/02, effective 12/13/02; 02-14-063, § 388-97-650, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-655 Amount of civil fine. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-655, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-660 Civil fine accrual and due dates and interest. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-660, filed 6/27/02, effective 7/28/02.] Repealed

by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-665 Civil penalty fund. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-665, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-670 Temporary management. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-670, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-675 Receivership. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-675, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-680 Temporary managers and receivers -- Application. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-680, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-685 Temporary managers and receivers -- Considerations before appointment. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-685, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-690 Duties and powers of temporary manager and receiver. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-690, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

388-97-695 Termination of temporary management and receivership. [Statutory Authority: RCW 18.51.070, 74.42.620. 02-14-063, § 388-97-695, filed 6/27/02, effective 7/28/02.] Repealed by 08-20-062, filed 9/24/08, effective 11/1/08. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52.

Chapter 246-843 WAC

Last Update: 7/7/08

Nursing home administrators

Chapter Listing

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246-843-001 Source of authority -- Title. [Statutory Authority: RCW 18.52.061. 93-13-004 (Order 371B), § 246-843-001, filed 6/3/93, effective 7/4/93. Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-001, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-001, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(14). 78-02-009 (Order PL 282), § 308-54-010, filed 1/6/78; Order PL 107, § 308-54-010, filed 3/3/71.] Repealed by 00-01-073, filed 12/13/99, effective 1/13/00. Statutory Authority: Chapters 18.52 and 34.05 RCW.

246-843-015 Nursing homes temporarily without an administrator. [Statutory Authority: Chapters 18.52 and 34.05 RCW. 00-01-071, § 246-843-015, filed 12/13/99, effective 1/13/00.] Repealed by 02-17-055, filed 8/15/02, effective 9/15/02. Statutory Authority: RCW 18.52.061. Later promulgation, see WAC 388-97-160(4).

246-843-030 Board of examiners -- Meetings. [Statutory Authority: RCW 18.52.100. 91-06-060 (Order 141B), recodified as § 246-843-030, filed 3/1/91, effective 4/1/91; Order PL 107, § 308-54-030, filed 3/3/71.] Repealed by 00-01-073, filed 12/13/99, effective 1/13/00. Statutory Authority: Chapters 18.52 and 34.05 RCW.

246-843-050 Board of examiners -- Officers and duties. [Statutory Authority: RCW 18.52.100. 91-06-060 (Order 141B), recodified as § 246-843-050, filed 3/1/91, effective 4/1/91; Order PL 107, § 308-54-050, filed 3/3/71.] Repealed by 00-01-073, filed 12/13/99, effective 1/13/00. Statutory Authority: Chapters 18.52 and 34.05 RCW.

246-843-060 Program manager -- Hiring and duties. [Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-060, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-060, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-060, filed 12/29/86; Order PL 126, § 308-54-060, filed 6/1/72; Order PL 107, § 308-54-060, filed 3/3/71.] Repealed by 99-03-069, filed 1/18/99, effective 2/18/99. Statutory Authority: RCW 18.52.061.

246-843-072 Examination candidate procedures. [Statutory Authority: Chapters 18.52, 34.05 RCW and RCW 18.130.075. 00-01-072, § 246-843-072, filed 12/13/99, effective 1/13/00.] Repealed by 01-03-114, filed 1/22/01, effective 2/22/01. Statutory Authority: RCW 18.52.061.

246-843-074 Examination review and appeal. [Statutory Authority: Chapters 18.52, 34.05 RCW and RCW 18.130.075. 00-01-072, § 246-843-074, filed 12/13/99, effective 1/13/00.] Repealed by 01-03-114, filed 1/22/01, effective 2/22/01. Statutory Authority: RCW 18.52.061.

246-843-080 Application for examination. [Statutory Authority: RCW 18.52.061. 93-23-034, § 246-843-080, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-080, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-080, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-080, filed 12/29/86; Order PL 107, § 308-54-080, filed 3/3/71.] Repealed by 00-01-072, filed 12/13/99, effective 1/13/00. Statutory Authority: Chapters 18.52, 34.05 RCW and RCW 18.130.075.

246-843-100 Disqualification -- Reexamination. [Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-100, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-100, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-100, filed 12/29/86; Order PL 215, § 308-54-100, filed 11/5/75; Order PL 107, § 308-54-100, filed 3/3/71.] Repealed by 00-01-072, filed 12/13/99, effective 1/13/00. Statutory Authority: Chapters 18.52, 34.05 RCW and RCW 18.130.075.

246-843-110 Subjects for examination. [Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-110, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-110, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-110, filed 12/29/86; Order PL 107, § 308-54-110, filed 3/3/71.] Repealed by 00-01-072, filed 12/13/99, effective 1/13/00. Statutory Authority: Chapter 18.52, 34.05 RCW and RCW 18.130.075.

246-843-115 Examination procedures. [Statutory Authority: RCW 18.52.100. 91-24-022 (Order 216B), § 246-843-115, filed 11/25/91, effective 12/26/91.] Repealed by 00-01-072, filed 12/13/99, effective 1/13/00. Statutory Authority: Chapters 18.52, 34.05 RCW and RCW 18.130.075.

246-843-120 Grading examinations. [Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-120, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-120, filed 3/1/91, effective 4/1/91; 81-14-037 (Order PL 381), § 308-54-120, filed 6/29/81; Order PL 107, § 308-54-120, filed 3/3/71.] Repealed by 00-01-072, filed 12/13/99, effective 1/13/00. Statutory Authority: Chapters 18.52,34.05 RCW and RCW 18.130.075.

246-843-122 Examination review procedures. [Statutory Authority: RCW 18.52.100. 91-24-022 (Order 216B), § 246-843-122, filed 11/25/91, effective 12/26/91.] Repealed by 00-01-072, filed 12/13/99, effective 1/13/00. Statutory Authority: Chapters 18.52, 34.05 RCW and RCW 18.130.075.

246-843-125 Continuing education credit for preceptors for administrators-in-training programs. [Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-125, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-125, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(14) and18.52.110 . 80-01-057 (Order PL 328), § 308-54-125, filed 12/20/79.] Repealed by 00-01-074, filed 12/13/99, effective 1/13/00. Statutory Authority:

Chapters 18.52 and 34.05 RCW.

246-843-155 Certification of compliance. [Statutory Authority: RCW 18.52.100. 91-06-060 (Order 141B), recodified as § 246-843-155, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(14) and 18.52.110. 80-01-057 (Order PL 328), § 308-54-155, filed 12/20/79.] Repealed by 98-05-060, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.280.

246-843-158 Responsibility for maintaining mailing address on file with the board. [Statutory Authority: RCW 18.52.061. 93-23-034, § 246-843-158, filed 11/10/93, effective 12/11/93.] Repealed by 97-20-101, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.70.040.

246-843-160 Licenses. [Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-160, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-160, filed 3/1/91, effective 4/1/91; 80-08-066 (Order 348), § 308-54-160, filed 7/1/80. Statutory Authority: RCW 18.52.070, 18.52.080 and 18.52.100(14). 78-02-009 (Order PL 282), § 308-54-160, filed 1/6/78; Order PL 107, § 308-54-160, filed 3/3/71.] Repealed by 98-05-060, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.280.

246-843-170 Temporary permits. [Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-170, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-170, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(11). 88-23-038 (Order PM 791), § 308-54-170, filed 11/9/88. Statutory Authority: RCW 18.52.100. 80-08-066 (Order 348), § 308-54-170, filed 7/1/80. Statutory Authority: RCW 18.52.100 (10) and (14). 78-02-009 (Order PL 282), § 308-54-170, filed 1/6/78; Order PL 107, § 308-54-170, filed 3/3/71.] Repealed by 00-01-072, filed 12/13/99, effective 1/13/00. Statutory Authority: Chapters 18.52, 34.05 RCW and RCW 18.130.075.

246-843-200 Standards of suitability and character. [Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-200, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-200, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-200, filed 12/29/86. Statutory Authority: RCW 18.52.100 (1) and (14). 78-02-009 (Order PL 282), § 308-54-200, filed 1/6/78; Order PL 107, § 308-54-200, filed 3/3/71.] Repealed by 99-03-068, filed 1/18/99, effective 2/18/99. Statutory Authority: RCW 18.52.061.

246-843-220 Complaints and hearing procedures. [Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-220, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-220, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.090(2), 18.52.150, 18.52.100 (4), (5), (6) and (14). 78-02-009 (Order PL 282), § 308-54-220, filed 1/6/78; Order PL 107, § 308-54-220, filed 3/3/71.] Repealed by 99-03-067, filed 1/18/99, effective 2/18/99. Statutory Authority: RCW 18.52.061.

246-843-225 Issuance of subpoenas -- Administering oaths and affirmations -- Ruling when board or hearing panel not in session. [Statutory Authority: RCW 18.52.100. 91-06-060 (Order 141B), recodified as § 246-843-225, filed 3/1/91, effective 4/1/91; 80-08-066 (Order 348), § 308-54-225, filed 7/1/80. Statutory Authority: RCW 18.52.155. 78-02-009 (Order PL 282), § 308-54-225, filed 1/6/78.] Repealed by 99-03-067, filed 1/18/99, effective 2/18/99. Statutory Authority: RCW 18.52.061.

246-843-240 Restoration and reinstatement of licenses. [Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-240, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-240, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(14) and 18.52.120. 78-02-009 (Order PL 282), § 308-54-240, filed 1/6/78; Order PL 107, § 308-54-240, filed 3/3/71.] Repealed by 95-07-128, filed 3/22/95, effective 4/22/95. Statutory Authority: RCW 18.52.061.

246-843-250 Duplicate licenses. [Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-250, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-250, filed 3/1/91, effective 4/1/91; Order PL 107, § 308-54-250, filed 3/3/71.] Repealed by 98-05-060, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.280.

246-843-320 Renewal of licenses. [Statutory Authority: RCW 18.52.061. 95-07-128, § 246-843-320, filed 3/22/95, effective 4/22/95. Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-320, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-320, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-320, filed 12/29/86. Statutory Authority: RCW 43.24.140. 80-04-057 (Order 337), § 308-54-320, filed

3/24/80.] Repealed by 98-05-060, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.280.

246-843-010
General definitions.

Terms used in these rules have the following meanings:

(1) "On-site, full-time administrator" is an individual in active administrative charge of one nursing home facility or collocated facilities, as licensed under chapter 18.51 RCW, a minimum of four days and an average of forty hours per week. Exception: "On-site, full-time administrator" in nursing homes with small resident populations, or in rural areas is an individual in active administrative charge of one nursing home facility, or collocated facilities, as licensed under chapter 18.51 RCW:

(a) A minimum of four days and an average of twenty hours per week at facilities with one to thirty beds; or

(b) A minimum of four days and an average of thirty hours per week at facilities with thirty-one to forty-nine beds.

(2) "Active administrative charge" is direct participation in the operating concerns of a nursing home. Operating concerns include, but are not limited to, interaction with staff and residents, liaison with the community, liaison with regulatory agencies, pertinent business and financial responsibilities, planning and other activities as identified in the most current job analysis published by the National Association of Boards of Examiners for Long-Term Care Administrators.

(3) "Person" means an individual and does not include the terms firm, corporation, institutions, public bodies, joint stock associations, and other such entities.

(4) "Nursing home administrator-in-training" means an individual in an administrator-in-training program approved by the board.

(5) "Secretary" means the secretary of the department of health or the secretary's designee.

(6) "Collocated facilities" means more than one licensed nursing facility situated on a contiguous or adjacent property, whether or not there are intersecting streets. Other criteria to qualify as a collocated facility would be determined by the nursing home licensing agency under chapter 18.51 RCW.

(7) "Recognized institution of higher learning" means an accredited degree granting institution in the United States or outside the United States that is listed in the directory of accredited institutions of postsecondary education published by the American Council on Education.

[Statutory Authority: Chapters 18.52 and 34.05 RCW. 00-01-071, § 246-843-010, filed 12/13/99, effective 1/13/00. Statutory Authority: RCW 18.52.061. 95-07-128, § 246-843-010, filed 3/22/95, effective 4/22/95; 93-13-004 (Order 371B), § 246-843-010, filed 6/3/93, effective 7/4/93. Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-010, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-010, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-020, filed 12/29/86; Order PL 107, § 308-54-020, filed 3/3/71.]

246-843-040
Duties and responsibilities.

The board, with the assistance of the secretary, shall have the following duties and responsibilities, within the limits of chapter 18.52 RCW.

(1) Develop standards for individuals in order to receive a license as a nursing home administrator.

(2) Develop techniques, including examinations and investigations to determine whether an individual meets such standards for licensing:

(3) Approve licenses or temporary permits for individuals meeting requirements applicable to them.

(4) Discipline or deny a license holder or applicant under authority granted by RCW 18.130.160 or who fails to meet requirements of chapter 18.52 RCW.

(5) Investigate and take action on a report or complaint filed with the board or secretary that any individual licensed as a nursing home administrator has failed to comply with the requirements of chapter 18.52 RCW.

(6) Adopt rules necessary to carry out the functions of chapter 18.52 RCW.

(7) Implement requirements of chapter 18.52 RCW, including:

(a) Recommend hiring consultants to advise on matters requiring expert advice;

(b) Delegate work responsibilities to subcommittees of the board;

(c) Supervise the administrator-in-training program.

[Statutory Authority: Chapters 18.52 and 34.05 RCW. 00-01-073, § 246-843-040, filed 12/13/99, effective 1/13/00. Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-040, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-040, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(14). 78-02-009 (Order PL 282), § 308-54-040, filed 1/6/78; Order PL 107, § 308-54-040, filed 3/3/71.]

246-843-070
Examination.

(1) The board approves subjects of examination for license. The scope, content, form, and character of examination shall be the same for all candidates taking the examination.

(2) The examination consists of the National Association of Boards of Examiners for Long-Term Care Administrators (NAB) national examination.

(3) Subjects for examination may include, but not be limited to: Resident care management, personnel management, financial management, environmental management, and governance and management.

(4) Examinations shall be given at least semiannually at times and places designated by the department.

[Statutory Authority: Chapters 18.52, 34.05 RCW and RCW 18.130.075. 00-01-072, § 246-843-070, filed 12/13/99, effective 1/13/00. Statutory Authority: RCW 18.52.100. 91-06-060 (Order 141B), recodified as § 246-843-070, filed 3/1/91, effective 4/1/91; Order PL 107, § 308-54-070, filed 3/3/71.]

246-843-071
Application.

(1) An applicant must pay applicable fees and submit an application for initial credential on forms approved by the secretary. Refer to chapter 246-12 WAC, Part 2.

(2) Applications shall be completed in every respect prior to the examination date.

[Statutory Authority: Chapters 18.52, 34.05 RCW and RCW 18.130.075. 00-01-072, § 246-843-071, filed 12/13/99, effective 1/13/00.]

246-843-073
Examination score.

(1) An applicant for a nursing home administrator license is required to pass the national examination with a passing score established by the National Association of Boards of Examiners for Long-Term Care Administrators (NAB).

(2) The candidate shall be notified about their examination score in writing.

(3) The board and the department shall not disclose the candidate's score to anyone other than the candidate, unless requested to do so in writing by the candidate.

(4) The NAB examination is scored using a criterion-referenced method.

(5) A permanent record of the result of examination for each candidate shall be kept by the board.

[Statutory Authority: Chapters 18.52, 34.05 RCW and RCW 18.130.075. 00-01-072, § 246-843-073, filed 12/13/99, effective 1/13/00.]

246-843-090
Administrator-in-training.

An applicant shall be approved to take an examination for licensure as a nursing home administrator after submitting evidence satisfactory to the board that the applicant meets the following requirements:

(1) Be at least twenty-one years old.

(2) Complete an application for licensure provided by the division of health professions quality assurance, department of health that includes all information and fees requested. Refer to chapter246-12 WAC, Part 2.

(3) Submit documentation of a minimum of a baccalaureate degree from a recognized institution of higher learning.

(4) Completed an administrator-in-training (AIT) program as described below:

(a) A one thousand five hundred hour AIT program in a nursing home; or

(b) A one thousand hour AIT program for individuals with a minimum of two years experience as a department manager in a state licensed nursing home or hospital with supervisory and budgetary responsibility; or

(c) A five hundred hour AIT program in a nursing home for individuals with a minimum of two years experience in the last five years with supervisory and budgetary responsibility in one of the following positions or their equivalent:

Hospital administrator;

Assistant administrator in a state licensed nursing home or hospital;

Director of a hospital based skilled nursing facility;

Director of a subacute or transitional care unit;

Director of the department of nursing in a state licensed nursing home;

Health care consultant to the long-term care industry;

Director of community-based long-term care service.

(5) The AIT program shall be:

(a) Under the guidance and supervision of a qualified preceptor;

(b) Designed to provide for individual learning experiences and instruction based upon the person's academic background, training, and experience;

(c) Described in a prospectus signed by the preceptor. The prospectus shall include a description of the rotation through departments and is to be submitted to the board for approval before beginning an AIT program. Changes in the AIT program shall be immediately reported in writing to the board. The board may withdraw approval or alter conditions under which approval was given if the board finds that the approved program has not been or is not being followed.

(6) The AIT program prospectus shall include the following components:

(a) A minimum of ninety percent of the required AIT program hours are spent in a rotation through each department of a resident occupied nursing home licensed under chapter 18.51 RCW;

(b) Project assignment including at least one problem-solving assignment to improve the nursing home or nursing home procedures. A description of the project is to be submitted in writing to the board for approval before beginning the AIT program. The description of the project should indicate the definition of the project and method of approach such as data gathering. A project report that includes possible alternatives, conclusions, and final recommendations to improve the facility or procedure is to be submitted to the board for approval at least ten days before the scheduled end date of the AIT program;

(c) Planned reading and writing assignments as designated by the preceptor; and

(d) Other planned learning experiences including learning about other health and social services agencies in the community.

(7) Quarterly written reports to the board shall include a detailed outline of AIT activities during the reporting period. Reports shall be submitted by both the AIT and preceptor.

(8) The program shall provide for a broad range of experience with a close working relationship between preceptor and trainee. Toward that end, no program shall be approved if the facility has a capacity of fewer than fifty beds. Exceptions to this general rule may be granted by the board in unusual circumstances.

[Statutory Authority: Chapters 18.52 and 34.05 RCW. 00-01-070, § 246-843-090, filed 12/13/99, effective 1/13/00. Statutory Authority: RCW 18.52.061. 95-07-128, § 246-843-090, filed 3/22/95, effective 4/22/95; 93-23-034, § 246-843-090, filed 11/10/93, effective 12/11/93; 93-13-004 (Order 371B), § 246-843-090, filed 6/3/93, effective 7/4/93. Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-090, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-090, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-090, filed 12/29/86; Order PL 260, § 308-54-090, filed 12/10/76; Order PL 164, § 308-54-090, filed 3/27/74, effective 1/1/75; Order PL 107, § 308-54-090, filed 3/3/71.]

246-843-093
Exemption.

No AIT program is required for:

(1) An individual with a minimum of five years experience in the last seven years with extensive supervisory and budgetary responsibility in one of the following positions or their equivalent:

Hospital administrator;

Assistant administrator in a hospital or state licensed nursing home;

Director of a hospital based skilled nursing facility; or

Director of a subacute or transitional care unit.

(2) An individual who worked as a licensed nursing home administrator for a minimum of five years, in the past ten years, and whose license did not expire more than three years prior to application date.

(3) An individual who graduated from a long-term care program in a college approved by the National Association of Boards of Examiners for Long-Term Care Administrators.

(4) An individual who graduated from a degree program in a recognized educational institution that included a one thousand hour practical experience (practicum) in a nursing home. This practical experience shall be structured to allow a student a majority of time in a systematic rotation through each department of a resident-occupied nursing home. The practical experience shall include planned readings, writing, and project assignments. The practical experience shall include regular contact with the administrator of the facility in which the practical experience was completed.

[Statutory Authority: Chapters 18.52 and 34.05 RCW. 00-01-070, § 246-843-093, filed 12/13/99, effective 1/13/00.]

246-843-095
Preceptors for administrator-in-training programs.

The preceptor shall submit a statement describing his or her qualifications and an agreement to perform the duties of a preceptor.

(1) Qualifications of preceptor:

(a) The preceptor shall be employed as a licensed nursing home administrator for an accumulation of at least three years.

(b) The preceptor shall be employed full time as the nursing home administrator in the facility where the administrator-in-training is trained.

(c) The preceptor shall have an unrestricted license.

(d) The preceptor shall participate in and successfully complete any preceptor workshop or other training deemed necessary by the board.

(2) Duties of the preceptor:

(a) The preceptor shall take the time necessary and have at least a weekly face-to-face conference with the AIT about the activities of the AIT relative to the training program and the nursing home.

(b) The preceptor shall evaluate the AIT and submit quarterly reports to the board on the progress of the AIT program.

(3) A preceptor shall supervise no more than two AITs at the same time.

[Statutory Authority: Chapters 18.52 and 34.05 RCW. 00-01-070, § 246-843-095, filed 12/13/99, effective 1/13/00. Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-095, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-095, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-095, filed 12/29/86. Statutory Authority: RCW 18.52.100 (2) and (14). 78-02-009 (Order PL 282), § 308-54-095, filed 1/6/78.]

246-843-130
Continuing education courses.

A course provided to satisfy the continuing education requirement of licensed nursing home administrators shall meet the following conditions before being approved by the board:

(1) A request for approval shall be submitted on forms provided by the department at least one day prior to the start of the course;

(2) Such course of study shall consist of a minimum of one hour of organized instruction with the exception of board-approved self-study courses;

(3) Such course of study may include the following general subject areas or their equivalents, and shall be oriented to the nursing home administrator and reasonably related to the administration of nursing homes:

(a) Resident management;

(b) Personnel management;

(c) Financial management;

(d) Environmental management;

(e) Governance and management;

(f) Laws relating to Washington state nursing homes;

(4) Within one hundred eighty days after becoming licensed, nursing home administrators shall attend an approved course on laws relating to nursing homes in

Washington. The board will grant retroactive credit to those licensees who obtain the required training as administrators-in-training under WAC 246-843-090. The board will approve state law training courses based on the following criteria.

A minimum of a six-hour program, with formal training objectives, that covers the following subjects: The requirements of chapter 18.52 RCW and essential areas of laws that apply to nursing homes regulated by the department of social and health services under chapter 388-97 WAC:

- Resident services, medical and social;
- Resident rights, including resident decision making, informed consent, advance directives and notices to residents;
- Enforcement;
- Criminal history inquiries;
- Differences between federal and state law.

(5) Such course of study shall issue certificates of attendance or other evidence satisfactory to the board.

[Statutory Authority: Chapters 18.52 and 34.05 RCW. 00-01-074, § 246-843-130, filed 12/13/99, effective 1/13/00. Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-130, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-130, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(11). 88-23-038 (Order PM 791), § 308-54-130, filed 11/9/88. Statutory Authority: RCW 18.52.100(14) and18.52.110(2). 82-20-092 (Order PL 407), § 308-54-130, filed 10/6/82. Statutory Authority: RCW 18.52.100(14) and 18.52.110. 80-01-057 (Order PL 328), § 308-54-130, filed 12/20/79; Order PL 265, § 308-54-130, filed 3/21/77; Order PL 260, § 308-54-130, filed 12/10/76; Order PL 107, § 308-54-130, filed 3/3/71.]

246-843-150

Continuing education requirements for renewal of active license.

(1) Licensed nursing home administrators must demonstrate completion of thirty-six hours of continuing education every two years as provided in chapter 246-12 WAC, Part 7.

(2) Licensees practicing solely out of Washington state are exempt from WAC 246-843-130(1) and must meet all other requirements.

(3) A preceptor for an administrator-in-training program may be granted continuing education credit of one hour per month of the AIT program. Credit as a preceptor is limited to sixteen hours of continuing education in any two-year period.

[Statutory Authority: RCW 18.52.061. 02-23-070, § 246-843-150, filed 11/19/02, effective 2/17/03. Statutory Authority: Chapter 18.52 and 34.05 RCW. 00-01-074, § 246-843-150, filed 12/13/99, effective 1/13/00. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-843-150, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-150, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-150, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(14) and 18.52.110(2). 84-07-051 (Order PL 461), § 308-54-150, filed 3/21/84. Statutory Authority: RCW 18.52.110. 80-04-069 (Order 338), § 308-54-150, filed 3/26/80; Order PL 260, § 308-54-150, filed 12/10/76; Order PL 107, § 308-54-150, filed 3/3/71.]

246-843-162

AIDS prevention and information education requirements.

Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

[Statutory Authority: RCW 43.70.280. 98-05-060, § 246-843-162, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.52.100 and 70.24.270. 91-24-050 (Order 217B), § 246-843-162, filed 11/27/91, effective 12/28/91. Statutory Authority: RCW 18.52.100. 91-06-060 (Order 141B), recodified as § 246-843-162, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(11). 88-23-038 (Order PM 791), § 308-54-162, filed 11/9/88.]

246-843-180

Expired license.

(1) To return to active status when the license has expired for three years or less, the practitioner must meet the requirements of WAC 246-12-040 (2)(a) or (b).

(2) To return to active status when the license has expired for over three years but less than five years, the practitioner must meet the requirements of

WAC 246-12-040 (2)(c).

(3) To return to active status when the license has been expired for five years or more:

(a) If the practitioner has been in active practice as a licensed nursing home administrator in another jurisdiction during that time, the practitioner must:

(i) Meet the requirements of WAC 246-12-040 (2)(c); and

(ii) Provide proof of active practice; or

(b) If the practitioner has not been in active practice as a licensed nursing home administrator in another jurisdiction during that time, the practitioner must:

(i) Meet the requirements of WAC 246-12-040 (2)(c); and

(ii) Successfully complete the current licensing examination.

[Statutory Authority: RCW 18.52.061. 02-23-070, § 246-843-180, filed 11/19/02, effective 2/17/03. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-843-180, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.52.061. 93-13-004 (Order 371B), § 246-843-180, filed 6/3/93, effective 7/4/93. Statutory Authority: RCW 18.52.100. 91-24-022 (Order 216B), § 246-843-180, filed 11/25/91, effective 12/26/91; 91-06-060 (Order 141B), recodified as § 246-843-180, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 18.52.100(14). 86-01-086 (Order PL 576), § 308-54-180, filed 12/18/85. Statutory Authority: RCW 18.52.100. 80-08-066 (Order 348), § 308-54-180, filed 7/1/80; Order PL 260, § 308-54-180, filed 12/10/76; Order PL 107, § 308-54-180, filed 3/3/71.]

246-843-205
Standards of conduct.

Licensed nursing home administrators shall be on-site full time and in active administrative charge of the licensed nursing home, as licensed under chapter 18.51 RCW, in which they have consented to serve as administrator.

[Statutory Authority: Chapters 18.52 and 34.05 RCW. 00-01-067, § 246-843-205, filed 12/13/99, effective 1/13/00. Statutory Authority: RCW 18.52.061. 95-07-128, § 246-843-205, filed 3/22/95, effective 4/22/95; 93-13-004 (Order 371B), § 246-843-205, filed 6/3/93, effective 7/4/93. Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-205, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-205, filed 3/1/91, effective 4/1/91; Order PL 164, § 308-54-205, filed 3/27/74.]

246-843-230
Endorsement.

(1) The board may endorse a nursing home administrator currently licensed in another state if that state requires qualifications substantially equivalent to qualifications required by RCW 18.52.071. To obtain a license by endorsement the applicant must:

(a) Pay applicable application fee;

(b) Submit an application on forms approved by the secretary;

(c) Submit a verification form from all states in which currently or previously licensed that verifies the applicant:

(i) Was or is currently licensed;

(ii) Has not had a nursing home administrator license revoked or suspended; and

(iii) Has passed the national examination;

(d) Submit a certified transcript of baccalaureate or higher degree, mailed to the department directly from the college or university;

(e) Have completed seven clock hours of AIDS education and training. Refer to chapter 246-12 WAC, Part 8.

(2) Applicants who are:

(a) Certified by the American College of Health Care Administrators (ACHCA) may submit verification of ACHCA certification in lieu of college degree transcript.

(b) Currently certified by ACHCA are exempt from taking the current NAB national examination.

(c) Licensed as a nursing home administrator in another state and who have previously passed the national examination are exempt from taking the current NAB national examination.

[Statutory Authority: Chapters 18.52, 34.05 RCW and RCW 18.130.075. 00-01-072, § 246-843-230, filed 12/13/99, effective 1/13/00.

Statutory Authority: RCW 43.70.280. 98-05-060, § 246-843-230, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-230, filed 11/27/91, effective 12/28/91; 91-06-060 (Order 141B), recodified as § 246-843-230, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW18.52.100(14). 87-02-008 (Order PM 633), § 308-54-230, filed 12/29/86; Order PL 107, § 308-54-230, filed 3/3/71.]

246-843-231
Temporary practice permits.

(1) A temporary practice permit may be issued for a period up to six months. A temporary practice permit holder is not eligible for a subsequent permit. A temporary practice permit shall be valid only for the specific nursing home for which it is issued and shall terminate upon the permit holder's departure from the nursing home, unless otherwise approved by the board. An applicant shall meet the following criteria:

(a) Submit temporary permit fee and application form approved by the secretary for initial credential;

(b) Submit verification from each state in which currently licensed that applicant is currently licensed and in good standing as a nursing home administrator in that state;

(c) Have a written agreement for consultation with a Washington state licensed nursing home administrator.

(2) Subsection (1)(b) of this section does not apply if the applicant is an administrator of a religious care facility acting under a limited licensed described in RCW 18.52.071.

[Statutory Authority: Chapters 18.52, 34.05 RCW and RCW 18.130.075. 00-01-072, § 246-843-231, filed 12/13/99, effective 1/13/00.]

246-843-270
Definitions for sexual misconduct.

(1) "Health care information" means any information, whether oral or recorded in any form or medium that identifies or can readily be associated with the identity of, and relates to the health care of, a patient or client.

(2) "Key party" means immediate family members and others who would be reasonably expected to play a significant role in the health care decisions of the patient or client and includes, but is not limited to, the spouse, domestic partner, sibling, parent, child, guardian and person authorized to make health care decisions of the patient or client.

(3) "Legitimate health care purpose" means activities for examination, diagnosis, treatment, and personal care of patients or clients, including palliative care, as consistent with community standards of practice for the profession. The activity must be within the scope of practice of the nursing home administrator.

(4) "Nursing home administrator" means an individual applying for a credential or credentialed as a nursing home administrator under chapter 18.52 RCW.

(5) "Patient" or "client" means an individual who receives health care in a nursing home under the administrative charge of the nursing home administrator.

[Statutory Authority: RCW 18.130.050 (1) and (12) and18.52.061 (1). 07-08-005, § 246-843-270, filed 3/22/07, effective 4/22/07.]

246-843-280
Sexual misconduct.

(1) A nursing home administrator shall not engage, or attempt to engage, in sexual misconduct with a current patient, client, or key party, inside or outside the health care setting. Sexual misconduct shall constitute grounds for disciplinary action. Sexual misconduct includes but is not limited to:

(a) Sexual intercourse;

(b) Touching the breasts, genitals, anus or any sexualized body part except as consistent with accepted community standards of practice for examination, diagnosis and treatment and within the nursing home administrator's scope of practice;

(c) Rubbing against a patient or client or key party for sexual gratification;

(d) Kissing of a romantic or sexual nature;

(e) Hugging, touching, fondling or caressing of a romantic or sexual nature;

(f) Examination of or touching genitals without using gloves;

(g) Not allowing a patient or client privacy to dress or undress except as may be necessary in emergencies or custodial situations;

(h) Not providing the patient or client a gown or draping except as may be necessary in emergencies;

(i) Dressing or undressing in the presence of the patient, client or key party;

(j) Removing patient or client's clothing or gown or draping without consent, emergent medical necessity or being in a custodial setting;

(k) Encouraging masturbation or other sex act in the presence of the nursing home administrator;

(l) Masturbation or other sex act by the nursing home administrator in the presence of the patient, client or key party;

(m) Terminating a professional relationship for the purpose of dating or pursuing a romantic or sexual relationship;

(n) Soliciting a date with a patient, client or key party;

(o) Discussing the sexual history, preferences or fantasies of the nursing home administrator;

(p) Any behavior, gestures, or expressions that may reasonably be interpreted as seductive or sexual;

(q) Making statements regarding the patient, client or key party's body, appearance, sexual history, or sexual orientation other than for legitimate health care purposes;

(r) Sexually demeaning behavior including any verbal or physical contact which may reasonably be interpreted as demeaning, humiliating, embarrassing, threatening or harming a patient, client or key party;

(s) Photographing or filming the body or any body part or pose of a patient, client, or key party, other than for legitimate health care purposes; and

(t) Showing a patient, client or key party sexually explicit photographs, other than for legitimate health care purposes.

(2) A nursing home administrator shall not:

(a) Offer to provide health care services in exchange for sexual favors;

(b) Use health care information to contact the patient, client or key party for the purpose of engaging in sexual misconduct;

(c) Use health care information or access to health care information to meet or attempt to meet the nursing home administrator's sexual needs.

(3) A nursing home administrator shall not engage, or attempt to engage, in the activities listed in subsection (1) of this section with a former patient, client or key party within two years after the provider-patient/client relationship ends.

(4) After the two-year period of time described in subsection (3) of this section, a nursing home administrator shall not engage, or attempt to engage, in the activities listed in subsection (1) of this section if:

(a) There is a significant likelihood that the patient, client or key party will seek or require additional services from the nursing home administrator; or

(b) There is an imbalance of power, influence, opportunity and/or special knowledge of the professional relationship.

(5) When evaluating whether a nursing home administrator is prohibited from engaging, or attempting to engage, in sexual misconduct, the board of examiners for nursing home administrators will consider factors, including but not limited to:

(a) Documentation of a formal termination and the circumstances of termination of the nursing home administrator-patient relationship;

(b) Transfer of care to another nursing home administrator;

(c) Duration of the nursing home administrator-patient relationship;

(d) Amount of time that has passed since the last health care services to the patient or client;

(e) Communication between the nursing home administrator and the patient or client between the last health care services rendered and commencement of the personal relationship;

(f) Extent to which the patient's or client's personal or private information was shared with the nursing home administrator;

(g) Nature of the patient or client's health condition during and since the professional relationship;

(h) The patient or client's emotional dependence and vulnerability; and

(i) Normal revisit cycle for the profession and service.

(6) Patient, client or key party initiation or consent does not excuse or negate the health care provider's responsibility.

(7) These rules do not prohibit:

(a) Providing health care services in case of emergency where the services cannot or will not be provided by another nursing home administrator;

(b) Contact that is necessary for a legitimate health care purpose and that meets the standard of care appropriate to nursing home administrators; or

(c) Providing health care services for a legitimate health care purpose to a person who is in a preexisting, established personal relationship with the nursing home administrator where there is no evidence of, or potential for, exploiting the patient or client.

[Statutory Authority: RCW 18.130.050 (1) and (12) and18.52.061 (1). 07-08-005, § 246-843-280, filed 3/22/07, effective 4/22/07.]

246-843-330
Inactive license.

(1) A practitioner may obtain an inactive license. Refer to the requirements of chapter 246-12 WAC, Part 4.

(2) To return to active status from inactive status if the license has been on inactive status for less than five years, the practitioner must meet the requirements of WAC 246-12-110.

(3) To return to active status from inactive status if the license has been on inactive status for five years or more:

(a) If the practitioner has been in active practice as a licensed nursing home administrator in another jurisdiction during that time, the practitioner must:

(i) Meet the requirements of WAC 246-12-110; and

(ii) Provide proof of active practice; or

(b) If the practitioner has not been in active practice as a licensed nursing home administrator in another jurisdiction during that time, the practitioner must:

(i) Meet the requirements of WAC 246-12-110; and

(ii) Successfully complete the current licensing examination.

[Statutory Authority: RCW 18.52.061. 02-23-070, § 246-843-330, filed 11/19/02, effective 2/17/03. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-843-330, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.52.100. 91-24-050 (Order 217B), § 246-843-330, filed 11/27/91, effective 12/28/91; 91-06-059 (Order 149B), § 246-843-330, filed 3/1/91, effective 4/1/91.]

246-843-340
Adjudicative proceedings.

The board adopts the model procedural rules for adjudicative proceedings as adopted by the department of health and contained in chapter 246-11 WAC, including subsequent amendments.

[Statutory Authority: RCW 18.52.061. 93-23-034, § 246-843-340, filed 11/10/93, effective 12/11/93.]

246-843-990
Nursing home administrator fees and renewal cycle.

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application - Original license	$275.00
Administrator-in-training	150.00
Application - Endorsement	375.00
Temporary permit	190.00
Renewal	360.00
Inactive license renewal	180.00

Late renewal penalty	180.00
Expired license reissuance	147.50
Late renewal penalty - inactive	90.00
Expired inactive license reissuance	55.00
Duplicate license	15.00
Certification of license	15.00

[Statutory Authority: RCW 43.70.110, 43.70.250, 2008 c 329. 08-15-014, § 246-843-990, filed 7/7/08, effective 7/7/08. Statutory Authority: RCW 43.70.250, [43.70.]280 and43.70.110 . 05-12-012, § 246-843-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250, [43.70.]280 and chapter 18.52 RCW. 99-24-098, § 246-843-990, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-843-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250 and chapter 18.52 RCW. 94-09-006, § 246-843-990, filed 4/11/94, effective 5/12/94. Statutory Authority: RCW 43.70.250. 93-14-011, § 246-843-990, filed 6/24/93, effective 7/25/93; 91-09-051 (Order 154), § 246-843-990, filed 4/16/91, effective 5/17/91. Statutory Authority: RCW 43.70.040. 91-06-058 (Order 138), recodified as § 246-843-990, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW43.70.250. 90-04-094 (Order 029), § 308-54-315, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-54-315, filed 8/27/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-54-315, filed 8/10/83. Formerly WAC 308-54-310.]