

RCW 70.129.110 Disclosure, transfer, and discharge requirements.

(1) The facility must permit each resident to remain in the facility, and not transfer or discharge the resident from the facility unless:

- (a) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;
- (b) The safety of individuals in the facility is endangered;
- (c) The health of individuals in the facility would otherwise be endangered;
- (d) The resident has failed to make the required payment for his or her stay; or
- (e) The facility ceases to operate.

(2) All long-term care facilities shall fully disclose to potential residents or resident representatives the service capabilities of the facility prior to admission to the facility. If the care needs of the applicant who is medicaid eligible are in excess of the facility's service capabilities, the department shall identify other care settings or residential care options consistent with federal law.

(3) Before a long-term care facility transfers or discharges a resident, the facility must:

- (a) First attempt through reasonable accommodations to avoid the transfer or discharge, unless agreed to by the resident;
- (b) Notify the resident and resident representative of the transfer or discharge and the reasons for the move in writing and in a language and manner they understand;
- (c) Record the reasons in the resident's record; and
- (d) Include in the notice the items described in subsection (5) of this section.

(4) (a) Except when specified in this subsection, the notice of transfer or discharge required under subsection (3) of this section must be made by the facility at least thirty days before the resident is transferred or discharged.

(b) Notice may be made as soon as practicable before transfer or discharge when:

- (i) The safety of individuals in the facility would be endangered;
- (ii) The health of individuals in the facility would be endangered;
- (iii) An immediate transfer or discharge is required by the resident's urgent medical needs; or
- (iv) A resident has not resided in the facility for thirty days.

(5) The written notice specified in subsection (3) of this section must include the following:

- (a) The reason for transfer or discharge;
- (b) The effective date of transfer or discharge;
- (c) The location to which the resident is transferred or discharged;
- (d) The name, address, and telephone number of the state long-term care ombuds;
- (e) For residents with developmental disabilities, the mailing address and telephone number of the agency responsible for the protection and advocacy of individuals with developmental disabilities established under part C of the developmental disabilities assistance and bill of rights act; and
- (f) For residents with mental illness, the mailing address and telephone number of the agency responsible for the protection and

advocacy of individuals with mental illness established under the protection and advocacy for mentally ill individuals act.

(6) A facility must provide sufficient preparation and orientation to residents to ensure safe and orderly transfer or discharge from the facility.

(7) A resident discharged in violation of this section has the right to be readmitted immediately upon the first availability of a gender-appropriate bed in the facility. [2021 c 159 s 27; 2013 c 23 s 186; 1997 c 392 s 205; 1994 c 214 s 12.]

Findings—2021 c 159: See note following RCW 18.20.520.

Short title—Findings—Construction—Conflict with federal requirements—Part headings and captions not law—1997 c 392: See notes following RCW 74.39A.009.