

WAC 388-76-10960 Remedies—Department may impose remedies. The department may impose a remedy or remedies if the department finds any person listed in WAC 388-76-10950:

- (1) Has been convicted of:
 - (a) Any felony that the department determines is reasonably related to the competency of the person to be involved in the ownership or operation of an adult family home; or
 - (b) A crime involving a firearm used in the commission of a felony or in any act of violence against a person.
- (2) Has engaged in the illegal use, sale or distribution of drugs or excessive use of alcohol or drugs without the evidence of rehabilitation;
- (3) Has committed an act of domestic violence toward a family or household member;
- (4) Has been found in any final decision of a federal or state agency to have abandoned, neglected, abused, or financially exploited a vulnerable adult, unless such decision requires imposition of a remedy under WAC 388-76-10955;
- (5) Has had a license for the care of children or vulnerable adults denied, suspended, revoked, or not renewed;
- (6) Has a history of violations of chapter 70.128 RCW, or any law regulating residential care facilities, that resulted in revocation, suspension, or nonrenewal of a license with the department;
- (7) Has been enjoined from operating a facility for the care and services of children or adults;
- (8) Has had a medicaid or medicare provider agreement or any other contract for the care and treatment of children or vulnerable adults, terminated, cancelled, suspended, or not renewed by any public agency, including a state medicaid agency;
- (9) Has been the subject of 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;
- (10) Has obtained or attempted to obtain a license by fraudulent means or misrepresentation;
- (11) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a license or any data attached to the application, or in any matter involving the department;
- (12) Permitted, aided, or abetted the commission of any illegal act on the adult family home premises;
- (13) Willfully prevented, interfered with, or failed to cooperate with any inspection, investigation, or monitoring visit made by the department, including refusal to permit authorized department representatives to interview residents or have access to their records;
- (14) Failed or refused to comply with:
 - (a) A condition or limit imposed on a license or a stop placement order; or
 - (b) The requirements of chapters 70.128, 70.129, 74.34 RCW, this chapter or any other applicable laws.
- (15) Misappropriated property of a resident, unless such action requires a remedy under WAC 388-76-10955;
- (16) Exceeded licensed capacity in the operation of an adult family home;
- (17) Operated a facility for the care of children or adults without a license or with a revoked license;

(18) In connection with the operation of any facility for the care of children or adults, relinquished or returned a license, or did not seek license renewal following written notification that the licensing agency intends to deny, suspend, cancel or revoke the license, unless such action requires imposition of a remedy under WAC 388-76-10955;

(19) When providing care to children or vulnerable adults, has had resident trust funds or assets seized by the Internal Revenue Service or a state entity for failure to pay income or payroll taxes;

(20) Failed to meet financial obligations as the obligations fell due in the normal course of owning or operating a business involved in the provision of care and services to children or vulnerable adults;

(21) Has failed to meet personal financial obligations and that failure has resulted in a failure to provide necessary care and services to the residents;

(22) Interfered with a long-term care ombuds or department staff in the performance of his or her duties; or

(23) Failed to relinquish or surrender the license as required.

[Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10960, filed 1/12/15, effective 2/12/15; WSR 12-01-004, § 388-76-10960, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10960, filed 1/15/10, effective 2/15/10; WSR 09-03-028, § 388-76-10960, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10960, filed 10/16/07, effective 1/1/08.]