Chapter 388-78A WAC
ASSISTED LIVING FACILITY LICENSING RULES

(Formerly chapter 246-316 WAC)

Last Update: 7/15/16

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-78A-0010 Purpose. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0010, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0020 Definitions. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0020, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0030 Applicability. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0030, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0040 Other requirements. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0040, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0050 Resident characteristics. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0050, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0060 Individuals in buildings prior to licensing. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0060, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0070 Initial assessment. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0070, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0080 Timing of initial assessment. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0080, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0090 Qualified assessor. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0090, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-010 Definitions. [Statutory Authority: RCW 18.20.090 and 18.20.240. WSR 98-24-038, § 388-78A-010, filed 11/24/98, effective 1/1/99. Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-010, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-010, filed 6/21/94, effective 7/22/94; WSR 92-02-018 (Order 224), § 246-316-010, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-010, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-001, filed 4/14/89; WSR 83-13-068 (Order 264), § 248-16-001, filed 6/16/83; Order 147, § 248-16-001, filed 6/29/77; Order 97, § 248-16-001, filed 4/5/74; § 248-16-001, filed 10/3/67; Emergency Regulation filed 8/4/67; Regulation.16.001, effective 3/11/60; Subsec. 6, Rule 1 and Subsec. 7, Rule 2, filed 5/31/61.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-0100 Assessment topics. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0100, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0110 On-going assessments. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0110, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0120 Resident participation in assessments. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0120, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0130 Service agreement planning. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0130, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0140 Negotiated service agreement contents. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0140, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0150 Signing negotiated service agreement. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0150, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0160 Basic boarding home services. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0160, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0170 Activities. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0170, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0180 Medication services. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0180, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0190 Prescribed medication authorizations. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0190, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-020 Licensure—Initial, renewal, day care approval respite care, modifications. [Statutory Authority: RCW 18.20.240. WSR 99-15-067, § 388-78A-020, filed 7/19/99, effective 8/19/99; WSR 98-20-021, recodified as § 388-78A-020, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-020, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.43.830 through 43.43.842. WSR 93-16-030 (Order 381), § 246-316-020, filed 7/26/93, effective 8/26/93. Statutory Authority: RCW 18.20.090 and 34.05.220. WSR 92-02-018 (Order 224), § 246-316-020, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-020, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 34.05 RCW, RCW 34.05.220 (1)(a) and 18.20.909 [18.20.090]. WSR 90-06-019 (Order 039), § 248-16-031, filed 2/28/90, effective 3/1/90. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-031, filed 4/14/89.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-0200 Medication refusal. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0200, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0210 Nonavailability of medications. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0210, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0220 Alteration of medications. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0220, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0230 Storing, securing, and accounting for medications. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0230, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0240 Resident controlled medications. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0240, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0250 Medication organizers. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0250, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0260 Family assistance with medication. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0260, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0270 Food and nutrition services. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0270, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0280 Need to provide nursing services. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0280, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0290 Tube feeding. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0290, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04,

effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-030 Responsibilities and rights—Licensee and department. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-030, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-030, filed 6/21/94, effective 7/22/94; WSR 92-02-018 (Order 224), § 246-316-030, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-030, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-033, filed 4/14/89.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-0300 Supervision of nursing services. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0300, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0310 Responsibilities of nursing supervisor. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0310, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0320 Resident-arranged services. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0320, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0330 Coordination of health care services. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0330, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0340 Implementation of negotiated service agreement. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0340, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0350 Monitoring residents' well-being. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0350, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0360 Adult day care. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0360, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0370 Dementia care. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0370, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0380 Restricted egress. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0380, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0390 Resident records. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0390, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-040 Administrator. [Statutory Authority: RCW 18.20.240. WSR 99-15-067, § 388-78A-040, filed 7/19/99, effective 8/19/99; WSR 98-20-021, recodified as § 388-78A-040, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-040, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.43.830 through 43.43.842. WSR 93-16-030 (Order 381), § 246-316-040, filed 7/26/93, effective 8/26/93. Statutory Authority: RCW 18.20.090. WSR 92-02-018 (Order 224), § 246-316-040, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-040, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-036, filed 4/14/89.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-0400 Protection of resident records. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0400, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0410 Content of resident records. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0410, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0420 Format of resident records. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0420, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0430 Record retention. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0430, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0440 Resident review of records. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0440, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-045 Criminal history, disclosure, and background inquiries. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-045, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-045, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.43.830 through 43.43.842. WSR 93-16-030 (Order 381), § 246-316-045, filed 7/26/93, effective 8/26/93.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-0450 Resident register. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0450, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0460 Staff. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0460, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0470 Criminal history background checks. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0470, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0480 TB tests. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0480, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0490 Specialized training for developmental disabilities. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0490, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-050 Staff. [Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. WSR 02-15-066, § 388-78A-050, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 18.20.240. WSR 99-15-067, § 388-78A-050, filed 7/19/99, effective 8/19/99; WSR 98-20-021, recodified as § 388-78A-050, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-050, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.43.830 through 43.43.842. WSR 93-16-030 (Order 381), § 246-316-050, filed 7/26/93, effective 8/26/93. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-050, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-046, filed 4/14/89.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-0500 Specialized training for mental illness. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0500, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0510 Specialized training for dementia. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0510, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0520 Administrator qualifications. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0520, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0530 Qualifying administrator training program. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0530, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0540 Administrator training requirements. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0540, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-055 Policies and procedures. [Statutory Authority: RCW 18.20.240. WSR 99-15-067, § 388-78A-055, filed 7/19/99, effective 8/19/99; WSR 98-20-021, recodified as § 388-78A-055, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-055, filed 6/21/94, effective 7/22/94.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-0550 Administrator training documentation. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0550, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0560 Administrator responsibilities. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0560, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0570 Notification of change in administrator. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0570, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0580 Use of home health/home care. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0580, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0590 Management agreements. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0590, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065,

filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-060 HIV/AIDS education and training. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-060, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-060, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-060, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.24.310. WSR 89-21-038 (Order 3), § 248-16-048, filed 10/12/89, effective 11/12/89.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-0600 Policies and procedures. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0600, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0605 Pets. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0605, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0610 Infection control. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0610, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0620 Reporting abuse and neglect. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0620, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0630 Reporting significant change in a resident's condition. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0630, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0635 Reporting fires and incidents. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0635, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0640 Resident rights. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0640, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0650 Services by resident for boarding home. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0650, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0660 Boarding home use of audio and video monitoring. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0660, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0670 Resident use of electronic monitoring. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0670, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0680 Safety measures and disaster preparedness. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0680, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0690 Disclosure of services. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0690, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-070 Construction. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-070, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-070, filed 6/21/94, effective 7/22/94; WSR 92-02-018 (Order 224), § 246-316-070, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-070, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-057, filed 4/14/89.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-0700 Timing of disclosure. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0700, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0710 Licensee qualifications. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0710, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0720 Necessary information. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0720, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0730 Application process. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0730, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0740 Requirements to change boarding home licensee. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0740, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0750 Annual renewal. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0750, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0760 Licensee's responsibilities. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0760, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0770 Change in licensee. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0770, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0780 Changes in licensed bed capacity. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0780, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0790 Criteria for increasing licensed bed capacity. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0790, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-080 Communication system. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-080, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-080, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-080, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-060, filed 4/14/89; WSR 83-13-068 (Order 264), § 248-16-060, filed 6/16/83; Order 147, § 248-16-060, filed 6/29/77; Regulation.16.060, effective 3/11/60.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-0800 Building requirements and exemptions. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0800, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0810 Conversion of licensed nursing homes. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0810, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0820 Licenses for multiple buildings. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0820, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0830 Required reviews of building plans. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0830, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0840 Relocation of residents during construction. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0840, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0850 Vacant buildings. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0850, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0860 Changing use of rooms. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0860, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0870 Time frame for approval. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0870, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0880 Retention of approved construction documents. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0880, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0890 Applicable building codes. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0890, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-090 Water supply. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-090, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-090, filed 6/21/94, effective 7/22/94; WSR 92-02-018 (Order 224), § 246-316-090, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-090, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-070, filed 4/14/89; WSR 83-13-068 (Order 264), § 248-16-070, filed 6/16/83; Order 147, § 248-16-070,

filed 6/29/77; Regulation .16.070, effective 3/11/60.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-0900 Area for nursing supplies and equipment. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0900, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0910 Communication system. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0910, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0920 Two-way intercom systems. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0920, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0930 Water supply. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0930, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0940 Sewage and liquid waste disposal. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0940, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0950 Garbage and refuse disposal. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0950, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0960 Lighting. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0960, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0970 Heating-cooling—Temperature. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0970, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0980 Ventilation. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0980, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-0990 Resident room—Room furnishings-storage. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-0990, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1000 Calculating floor space. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1000, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1010 Toilet rooms and bathrooms. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1010, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1020 Laundry. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1020, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1030 Day rooms. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1030, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1040 Storage space. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1040, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1050 Stairs—Ramps. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1050, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1060 Guardrails—Handrails. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1060, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1070 Maintenance and housekeeping. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1070, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1080 Safe storage of supplies and equipment. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1080, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1090 Areas for cleaning and storing soiled equipment, supplies and laundry. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1090, filed 7/31/03,

effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-100 Sewage and liquid waste disposal. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-100, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-100, filed 6/21/94, effective 7/22/94; WSR 92-02-018 (Order 224), § 246-316-100, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-100, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-080, filed 4/14/89; Order 147, § 248-16-080, filed 6/29/77; Regulation .16.080, effective 3/11/60.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-110 Garbage and refuse disposal. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-110, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-110, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-110, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-090, filed 4/14/89; WSR 83-13-068 (Order 264), § 248-16-090, filed 6/16/83; Order 147, § 248-16-090, filed 6/29/77; Regulation .16.090, effective 3/11/60.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-1100 Areas for handling and storing clean supplies and equipment. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1100, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1110 Plant restrictions. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1110, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1120 Responsibilities during inspections. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1120, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1130 Communication during inspections. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1130, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1140 Communication following inspections. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1140, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1150 Statements of deficiencies and plans of correction. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1150, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1160 Authorized enforcement remedies. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1160, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1170 Statutory circumstances resulting in discretionary enforcement remedies. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1170, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1180 Circumstances resulting in required enforcement remedies. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1180, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1190 Statutorily required enforcement remedies; denial, suspension, revocation, or nonrenewal of license. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1190, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-120 Lighting. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-120, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-120, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-120, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-105, filed 4/14/89; WSR 83-13-068 (Order 264), § 248-16-105, filed 6/16/83.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-1200 Other circumstances resulting in discretionary enforcement remedies. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1200, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1210 Informal dispute resolution. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1210, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1220 Appeal rights. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1220, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-1230 Fees. [Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW. WSR 03-16-047, § 388-78A-1230, filed 7/31/03, effective 9/1/04.] Repealed by WSR 04-16-065, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW.

388-78A-130 Heating—Temperature. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-130, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-130, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-130, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-110, filed 4/14/89; WSR 83-13-068 (Order 264), § 248-16-110, filed 6/16/83; Order 147, § 248-16-110, filed 6/29/77; Regulation .16.110, effective 3/11/60.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-140 Ventilation. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-140, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-140, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-140, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-115, filed 4/14/89; WSR 83-13-068 (Order 264), § 248-16-115, filed 6/16/83.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-150 Resident room—Room furnishings—Storage. [Statutory Authority: RCW 18.20.240. WSR 99-15-067, § 388-78A-150, filed 7/19/99, effective 8/19/99; WSR 98-20-021, recodified as § 388-78A-150, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-150, filed 6/21/94, effective 7/22/94; WSR 92-02-018 (Order 224), § 246-316-150, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-150, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-121, filed 4/14/89.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-160 Toilet rooms and bathrooms. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-160, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-160, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-160, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-131, filed 4/14/89.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-170 Food and nutrition services. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-170, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-170, filed 6/21/94, effective 7/22/94; WSR 92-02-018 (Order 224), § 246-316-170, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-170, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-141, filed 4/14/89.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-180 Day rooms. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-180, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-180, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-180, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-150, filed 4/14/89; WSR 83-13-068 (Order 264), § 248-16-150, filed 6/16/83; Order 147, § 248-16-150, filed 6/29/77; § 248-16-150, filed 10/3/67; Emergency Regulation, filed 8/4/67; Regulation .16.150, effective 3/11/60.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-190 Laundry. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-190, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-190, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-190, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-160, filed 4/14/89; WSR 83-13-068 (Order 264), § 248-16-160, filed 6/16/83; Regulation .16.160, effective 3/11/60.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-200 Storage space. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-200, filed 9/25/98, effective 9/25/98., Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-200, filed 6/21/94, effective 7/22/94; WSR 92-02-018 (Order 224), § 246-316-200, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-200, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-170, filed 4/14/89; WSR 83-13-068 (Order 264), § 248-16-170, filed 6/16/83; Regulation .16.170, effective 3/11/60.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-210 Stairs—Ramps. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-210, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-210, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-210, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-180, filed 4/14/89; WSR 83-13-068 (Order 264), § 248-16-180, filed 6/16/83; Regulation .16.180, effective 3/11/60.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-220 Guardrails—Handrails. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-220, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-220, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW

43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-220, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-190, filed 4/14/89; WSR 83-13-068 (Order 264), § 248-16-190, filed 6/16/83; Regulation .16.190, effective 3/11/60.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-230 Maintenance and housekeeping. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-230, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-230, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-230, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-202, filed 4/14/89; WSR 83-13-068 (Order 264), § 248-16-202, filed 6/16/83; Order 147, § 248-16-202, filed 6/29/77.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-240 Criteria for accepting and retaining residents. [Statutory Authority: RCW 18.20.240. WSR 99-15-067, § 388-78A-240, filed 7/19/99, effective 8/19/99; WSR 98-20-021, recodified as § 388-78A-240, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-240, filed 6/21/94, effective 7/22/94; WSR 94-01-058, § 246-316-240, filed 12/8/93, effective 1/8/94; WSR 92-02-018 (Order 224), § 246-316-240, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-240, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-213, filed 4/14/89; WSR 83-13-068 (Order 264), § 248-16-213, filed 6/16/83; Order 147, § 248-16-213, filed 6/29/77.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-2463 Background check—National fingerprint checks—Who is required to have. [Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 10-16-085, § 388-78A-2463, filed 7/30/10, effective 1/1/11.] Repealed by WSR 12-21-070, filed 10/18/12, effective 11/18/12. Statutory Authority: Chapter 18.20 RCW.

388-78A-250 Resident rights. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-250, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-250, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-250, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-215, filed 4/14/89; WSR 83-13-068 (Order 264), § 248-16-215, filed 6/16/83; Order 147, § 248-16-215, filed 6/29/77; Order 116, § 248-16-215, filed 5/23/75; § 248-16-215, filed 10/3/67; Emergency Regulation, filed 8/4/67.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-260 Resident services. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-260, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-260, filed 6/21/94, effective 7/22/94; WSR 94-01-058, § 246-316-260, filed 12/8/93, effective 1/8/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-260, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-216, filed 4/14/89.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-265 Limited nursing services. [Statutory Authority: RCW 18.20.090. WSR 02-17-027, § 388-78A-265, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 18.20.240. WSR 99-15-067, § 388-78A-265, filed 7/19/99, effective 8/19/99; WSR 98-20-021, recodified as § 388-78A-265, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-265, filed 6/21/94, effective 7/22/94.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-268 Health care services—Resident-arranged. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-268, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-268, filed 6/21/94, effective 7/22/94.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-280 Notification—Change in resident's condition. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-280, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-280, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-280, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-223, filed 4/14/89; WSR 83-13-068 (Order 264), § 248-16-223, filed 6/16/83; Order 147, § 248-16-223, filed 6/29/77.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-2820 Building requirements and exemptions. [Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2820, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2820, filed 7/30/04, effective 9/1/04.] Repealed by WSR 20-02-104, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapters 18.20 and 74.39A RCW.

388-78A-2890 Time frame for approval. [Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2890, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2890, filed 7/30/04, effective 9/1/04.] Repealed by WSR 20-02-104, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapters 18.20 and 74.39A RCW.

388-78A-290 Safety measures and quality assurance. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-290, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-290, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-290, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-226, filed 4/14/89; WSR 83-13-068 (Order 264), §

248-16-226, filed 6/16/83; Order 147, § 248-16-226, filed 6/29/77.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-2910 Applicable building codes. [Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2910, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2910, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2910, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2910, filed 7/30/04, effective 9/1/04.] Repealed by WSR 20-02-104, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapters 18.20 and 74.39A RCW.

388-78A-300 Medication services. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-300, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-300, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-300, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-229, filed 4/14/89.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-3020 Calculating floor space. [Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3020, filed 7/30/04, effective 9/1/04.] Repealed by WSR 20-02-104, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapters 18.20 and 74.39A RCW.

388-78A-3070 Stairs—Ramps. [Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3070, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3070, filed 7/30/04, effective 9/1/04.] Repealed by WSR 20-02-104, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapters 18.20 and 74.39A RCW.

388-78A-3080 Guardrails—Handrails. [Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3080, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3080, filed 7/30/04, effective 9/1/04.] Repealed by WSR 20-02-104, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapters 18.20 and 74.39A RCW.

388-78A-310 Resident register. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-310, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-310, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-310, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-230, filed 4/14/89; WSR 83-13-068 (Order 264), § 248-16-230, filed 6/16/83; Order 147, § 248-16-230, filed 6/29/77; Order 116, § 248-16-230, filed 5/23/75; § 248-16-230, filed 10/3/67; Emergency Regulation, filed 8/4/67; Regulation .16.230, effective 3/11/60; Subsection 1, filed 5/31/61.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-3110 Areas for cleaning and storing soiled equipment, supplies and laundry. [Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3110, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3110, filed 7/30/04, effective 9/1/04.] Repealed by WSR 20-02-104, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapters 18.20 and 74.39A RCW.

388-78A-3120 Areas for handling and storing clean supplies and equipment. [Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3120, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3120, filed 7/30/04, effective 9/1/04.] Repealed by WSR 20-02-104, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapters 18.20 and 74.39A RCW.

388-78A-320 Resident health record. [Statutory Authority: RCW 18.20.240. WSR 99-15-067, § 388-78A-320, filed 7/19/99, effective 8/19/99; WSR 98-20-021, recodified as § 388-78A-320, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-320, filed 6/21/94, effective 7/22/94; WSR 92-02-018 (Order 224), § 246-316-320, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-320, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-235, filed 4/14/89; WSR 83-13-068 (Order 264), § 248-16-235, filed 6/16/83.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-330 Adult day care. [Statutory Authority: RCW 18.20.240. WSR 99-15-067, § 388-78A-330, filed 7/19/99, effective 8/19/99; WSR 98-20-021, recodified as § 388-78A-330, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-330, filed 6/21/94, effective 7/22/94; WSR 92-02-018 (Order 224), § 246-316-330, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-330, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-300, filed 4/14/89.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-335 Residents—Dementia care. [Statutory Authority: RCW 18.20.090. WSR 00-01-086, § 388-78A-335, filed 12/14/99, effective 1/14/00. Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-335, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-335, filed 6/21/94, effective 7/22/94.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-3390 Resident protection program—Individual defined. [Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3390, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-3390, filed 1/15/10, effective 2/15/10.] Repealed by WSR 16-05-029, filed 2/9/16, effective 4/1/16. Statutory Authority: RCW 74.08.090 and chapter 18.20 RCW.

388-78A-340 Exemptions. [Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-340, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.090. WSR 94-13-180, § 246-316-340, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-316-340, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.20.090. WSR 89-09-034 (Order 2786), § 248-16-900, filed 4/14/89. Statutory Authority: 1985 c 213. WSR 86-08-002 (Order 2348), § 248-16-900, filed 3/20/86; Order 147, § 248-16-900, filed 6/29/77.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

388-78A-3400 Investigation of reports. [Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3400, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. WSR 08-05-099, § 388-78A-3400, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-05-029, filed 2/9/16, effective 4/1/16. Statutory Authority: RCW 74.08.090 and chapter 18.20 RCW.

388-78A-3410 Resident protection program—Notice to the individual of preliminary finding. [Statutory Authority: Chapter 18.20 RCW. WSR 10-03-066, § 388-78A-3410, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. WSR 08-05-099, § 388-78A-3410, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-05-029, filed 2/9/16, effective 4/1/16. Statutory Authority: RCW 74.08.090 and chapter 18.20 RCW.

388-78A-3420 Resident protection program—Notice to others of preliminary findings. [Statutory Authority: Chapter 18.20 RCW. WSR 10-03-066, § 388-78A-3420, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. WSR 08-05-099, § 388-78A-3420, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-05-029, filed 2/9/16, effective 4/1/16. Statutory Authority: RCW 74.08.090 and chapter 18.20 RCW.

388-78A-3430 Resident protection program—Disputing a preliminary finding. [Statutory Authority: Chapter 18.20 RCW. WSR 10-03-066, § 388-78A-3430, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. WSR 08-05-099, § 388-78A-3430, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-05-029, filed 2/9/16, effective 4/1/16. Statutory Authority: RCW 74.08.090 and chapter 18.20 RCW.

388-78A-3440 Hearing procedures to dispute preliminary finding. [Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. WSR 08-05-099, § 388-78A-3440, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-05-029, filed 2/9/16, effective 4/1/16. Statutory Authority: RCW 74.08.090 and chapter 18.20 RCW.

388-78A-3450 Resident protection program—Finalizing a preliminary finding. [Statutory Authority: Chapter 18.20 RCW. WSR 10-03-066, § 388-78A-3450, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapters 18.20 and 74.34 RCW. WSR 09-01-052, § 388-78A-3450, filed 12/10/08, effective 1/10/09. Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. WSR 08-05-099, § 388-78A-3450, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-05-029, filed 2/9/16, effective 4/1/16. Statutory Authority: RCW 74.08.090 and chapter 18.20 RCW.

388-78A-3460 Resident protection program—Appeal of initial order. [Statutory Authority: Chapter 18.20 RCW. WSR 10-03-066, § 388-78A-3460, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapters 18.20 and 74.34 RCW. WSR 09-01-052, § 388-78A-3460, filed 12/10/08, effective 1/10/09. Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. WSR 08-05-099, § 388-78A-3460, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-05-029, filed 2/9/16, effective 4/1/16. Statutory Authority: RCW 74.08.090 and chapter 18.20 RCW.

388-78A-3470 Resident protection program—Reporting final findings. [Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3470, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-3470, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. WSR 08-05-099, § 388-78A-3470, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-05-029, filed 2/9/16, effective 4/1/16. Statutory Authority: RCW 74.08.090 and chapter 18.20 RCW.

388-78A-3480 Resident protection program—Disclosure of investigative and finding information. [Statutory Authority: Chapter 18.20 RCW. WSR 10-03-066, § 388-78A-3480, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. WSR 08-05-099, § 388-78A-3480, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-05-029, filed 2/9/16, effective 4/1/16. Statutory Authority: RCW 74.08.090 and chapter 18.20 RCW.

388-78A-990 Fees. [Statutory Authority: RCW 18.20.090 and 18.20.240. WSR 98-24-038, § 388-78A-990, filed 11/24/98, effective 1/1/99. Statutory Authority: RCW 18.20.240. WSR 98-20-021, recodified as § 388-78A-990, filed 9/25/98, effective 9/25/98. Statutory Authority: RCW 18.20.050, 43.70.110 and 43.70.250. WSR 98-01-165, § 246-316-990, filed 12/22/97, effective 1/22/98; WSR 96-12-027, § 246-316-990, filed 5/30/96, effective 6/30/96. Statutory Authority: RCW 43.70.250, 43.70.110 and 43.20B.020. WSR 95-12-097, § 246-316-990, filed 6/7/95, effective 7/8/95. Statutory Authority: RCW 43.70.110 and 43.70.250. WSR 94-13-180, § 246-316-990, filed 6/21/94, effective 7/22/94. Statutory Authority: RCW 43.70.250. WSR 92-12-086 (Order 276), § 246-316-990, filed 6/2/92, effective 7/1/92. Statutory Authority: RCW 43.70.040. WSR 91-02-050 (Order 122), § 246-316-990, filed 12/27/90, effective 1/31/91.] Repealed by WSR 03-16-047, filed 7/31/03, effective 9/1/04. Statutory Authority: RCW 18.20.090 and chapter 18.20 RCW.

GENERAL

WAC 388-78A-2010 Purpose. This chapter is written to implement chapter 18.20 RCW, to promote the safety and well-being of assisted living facility residents, to specify standards for assisted living

facility operators, and to further establish requirements for the operation of assisted living facilities.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2010, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2010, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2020 Definitions. "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on 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 personal exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult, which have the following meanings:

(1) **"Sexual abuse"** means any form of nonconsensual sexual conduct, including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. Sexual abuse also includes any sexual conduct between a staff person, who is not also a resident or a client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(2) **"Physical abuse"** means the intentional, willful, or reckless 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, or prodding.

(3) **"Mental abuse"** means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing.

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

(5) **"Improper use of restraint"** means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that:

(a) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW;

(b) Is not medically authorized; or

(c) Otherwise constitutes abuse under the section.

"Activities of daily living" means the following tasks related to basic personal care: Bathing; toileting; dressing; personal hygiene; mobility; transferring; and eating.

"Administrator" means an assisted living facility administrator who must be in active administrative charge of the assisted living facility as required in this chapter. Unless exempt under RCW 18.88B.041, the administrator must complete long-term care training and home care aide certification.

"Adult day services" means care and services provided to a nonresident individual by the assisted living facility on the assisted living facility premises, for a period of time not to exceed 10 continuous hours, and does not involve an overnight stay.

"Ambulatory" means capable of walking or traversing a normal path to safety without the physical assistance of another individual:

(1) **"Nonambulatory"** means unable to walk or traverse a normal path to safety without the physical assistance of another individual;

(2) **"Semiambulatory"** means physically and mentally capable of traversing a normal path to safety with the use of mobility aids, but unable to ascend or descend stairs without the physical assistance of another individual.

"Applicant" means a person, as defined in this section, that has submitted, or is in the process of submitting, an application for an assisted living facility license.

"Assisted living facility" means any home or other institution, however named, that is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with this chapter to seven or more residents after July 1, 2000. However, an assisted living facility that is licensed for three to six residents prior to or on July 1, 2000, may maintain its assisted living facility license as long as it is continually licensed as an assisted living facility. "Assisted living facility" may also include persons associated with the assisted living facility to carry out its duties under this chapter. "Assisted living facility" does not include facilities certified as group training homes under RCW 71A.22.040, nor any home, institution, or section that is otherwise licensed and regulated under state law that provides specifically for the licensing and regulation of that home, institution, or section. "Assisted living facility" also does not include independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the U.S. Department of Housing and Urban Development.

"Basic services" means housekeeping services, meals, nutritious snacks, laundry, and activities.

"Bathing fixture" means a bathtub, shower, or sit-down shower.

"Bathroom" means a room containing at least one bathing fixture.

"Building code" means the building codes and standards adopted by the Washington state building code council.

"Caregiver" means anyone providing direct personal care to another person including, but not limited to, cuing, reminding, or supervision of residents, on behalf of an assisted living facility, except volunteers who are directly supervised.

"Construction review services" means the office of construction review services within the Washington state department of health.

"Continuing care contract" means, as stated in RCW 70.38.025, a contract providing a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, which is conditioned upon the transfer of property, the payment of an entrance fee to the pro-

vider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

"Continuing care retirement community" means, as stated in RCW 70.38.025, an entity which provides shelter and services under continuing care contracts with its members and which sponsors or includes a health care facility or a health service.

"Contractor" means an agency or person who contracts with a licensee to provide resident care, services, or equipment.

"Crimes relating to financial exploitation" means the same as "crimes relating to financial exploitation" as defined in RCW 43.43.830 or 43.43.842.

"Dementia" means the irreversible loss of cognitive or intellectual function such as thinking, remembering, and reasoning so severe that it interferes with an individual's daily functioning and everyday life. "Dementia" is not a specific diagnosis, but rather a group of symptoms that accompany certain diseases or conditions including, but not limited to: Alzheimer's disease, vascular dementia, frontotemporal dementia, Lewy body dementia, alcohol-related dementia, and major neurocognitive disorder. "Dementia" does not include temporary or reversible destabilization due to delirium or behavioral or mental health disorders.

"Department" means the Washington state department of social and health services.

"Dietitian" means an individual certified under chapter 18.138 RCW.

"Direct supervision" means oversight by a person on behalf of the assisted living facility who has met training requirements, demonstrated competency in core areas, or has been fully exempted from the training requirements, is on the premises, and is quickly and easily available to the caregiver.

"Document" means to record, with signature, title, date, and time:

(1) Information about medication administration, medication assistance or disposal, a nursing care procedure, accident, occurrence, or change in resident condition that may affect the care or needs of a resident; and

(2) Processes, events, or activities that are required by law, rule, or policy.

"Domiciliary care" means:

(1) Assistance with activities of daily living provided by the assisted living facility either directly or indirectly;

(2) Health support services, if provided directly or indirectly by the assisted living facility; or

(3) Intermittent nursing services, if provided directly or indirectly by the assisted living facility.

"Enforcement remedy" means one or more of the department's responses to an assisted living facility's noncompliance with chapter 18.20 RCW and this chapter, as authorized by RCW 18.20.190.

"Essential Support Person" means an individual who is: at least 18 years of age; designated by the resident, or by the resident's representative, if the resident is determined to be incapacitated or otherwise legally incapacitated; and necessary for the resident's emotional, mental, or physical well-being during situations that include, but are not limited to, circumstances involving compassionate care of end-of-life care, circumstances where visitation from a familiar per-

son will assist with important continuity of care or the reduction of confusion and anxiety for residents with cognitive impairments, or other circumstances where the presence of an essential support person will prevent or reduce significant emotional distress to the resident.

"Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. Some examples of financial exploitation are given in RCW 74.34.020.

"Food service worker" means according to chapter 246-217 WAC, an individual who works (or intends to work) with or without pay in a food service establishment and handles unwrapped or unpackaged food or who may contribute to the transmission of infectious diseases through the nature of the individual's contact with food products or equipment and facilities. This does not include persons who simply assist residents with meals.

"General responsibility for the safety and well-being of the resident" means the provision of any one or more of the following:

(1) Prescribed general low sodium diets;

(2) Prescribed general diabetic diets;

(3) Prescribed mechanical soft foods;

(4) Emergency assistance;

(5) Monitoring of the resident;

(6) Arranging health care appointments with outside health care providers and reminding residents of such appointments as necessary;

(7) Coordinating health care services with outside health care providers consistent with WAC 388-78A-2350;

(8) Assisting the resident to obtain and maintain glasses, hearing aids, dentures, canes, crutches, walkers, wheelchairs, and assistive communication devices;

(9) Observation of the resident for changes in overall functioning;

(10) Blood pressure checks as scheduled;

(11) Responding appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning;

(12) Medication assistance as permitted under RCW 69.41.085 and as described in RCW 69.41.010 and chapter 246-945 WAC.

"Harm" means a physical or mental or emotional injury or damage to a resident including those resulting from neglect or violations of a resident's rights.

"Health support services" means any of the following optional services:

(1) Blood glucose testing;

(2) Puree diets;

(3) Calorie controlled diabetic diets;

(4) Dementia care;

(5) Memory care provided only in an assisted living facility certified as a memory care facility or memory care unit;

(6) Mental health care; and

(7) Developmental disabilities care.

"Independent living unit" means:

(1) Independent senior housing;

(2) Independent living unit in a continuing care retirement community or other similar living environments;

(3) Assisted living facility unit where domiciliary services are not provided; or

(4) Assisted living facility unit where one or more items listed under "general responsibilities" are not provided.

"Independent senior housing" means an independent living unit occupied by an individual or individuals 60 or more years of age.

"Infectious" means capable of causing infection or disease by entrance of organisms into the body, which grow and multiply there, including, but not limited to, bacteria, viruses, protozoans, and fungi.

"Licensee" means a person, as defined in this section, to whom the department issues an assisted living facility license.

"Licensed resident bed capacity" means the resident occupancy level requested by a licensee and approved by the department. All residents receiving domiciliary care or the items or services listed under general responsibility for the safety and well-being of the resident as defined in this section count towards the licensed resident bed capacity. Adult day services clients do not count towards the licensed resident bed capacity.

"Long-term care worker" or **"caregiver"** means the same as "long-term care workers" is defined in RCW 74.39A.009.

"Majority owner" means any person that owns:

(1) More than 50 percent interest;

(2) If no one person owns more than 50 percent interest, the largest interest portion; or

(3) If more than one person owns equal largest interest portions, then all persons owning those equal largest interest portions.

"Manager" means a person, as defined in this section, that provides management services on behalf of a licensee.

"Management agreement" means a written, executed agreement between a licensee and manager regarding the provision of certain services on behalf of the licensee.

"Mandated reporter:"

(1) Is an employee of the department, law enforcement officer, social worker, professional school personnel, individual provider, employee of a facility, operator of a facility, employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency, county coroner or medical examiner, Christian Science practitioner, or health care provider subject to chapter 18.130 RCW; and

(2) For the purpose of the definition of mandated reporter, "facility" means a residence licensed or required to be licensed under chapter 18.20 RCW (assisted living facility), chapter 18.51 RCW (nursing homes), chapter 70.128 RCW (adult family homes), chapter 72.36 RCW (soldiers' homes), chapter 71A.20 RCW (residential habilitation centers), or any other facility licensed by the department.

"Maximum facility capacity" means the maximum number of individuals that the assisted living facility may serve at any one time, as determined by the department.

(1) The maximum facility capacity includes all residents, respite care residents, and adult day services clients.

(2) The maximum facility capacity is equal to the lesser of:

(a) The sum of the number of approved bed spaces for all resident rooms (total number of approved bed spaces), except as specified in subsection (3) of this section;

(b) Twice the seating capacity of the dining area(s) consistent with WAC 388-78A-2300;

(c) The number of residents permitted by calculating the ratios of toilets, sinks, and bathing fixtures to residents consistent with WAC 388-78A-3030;

(d) For assisted living facilities licensed on or before December 31, 1988, the total day room area in square feet divided by 10 square feet, consistent with WAC 388-78A-3050; or

(e) For assisted living facilities licensed after December 31, 1988, the total day room area in square feet divided by 20 square feet, consistent with WAC 388-78A-3050.

(3) For the purposes of providing adult day services consistent with WAC 388-78A-2360, one additional adult day services client may be served, beyond the total number of approved bed spaces, for each additional 60 square feet of day room area greater than the area produced by multiplying the total number of approved bed spaces by 20 square feet, provided that:

(a) There is at least one toilet and one hand washing sink accessible to adult day services clients for every eight adult day services clients or fraction thereof;

(b) The total number of residents and adult day services clients does not exceed twice the seating capacity of the dining area(s) consistent with WAC 388-78A-2300; and

(c) The adult day services program area(s) and building do not exceed the occupancy load as determined by the local building official or state fire marshal.

"Medication administration" means the direct application of a prescribed medication whether by injection, inhalation, ingestion, or other means, to the resident's body by an individual legally authorized to do so.

"Medication assistance" means assistance with self-administration of medication rendered by a nonpractitioner to a resident of an assisted living facility in accordance with chapter 246-945 WAC.

"Medication organizer" means a container with separate compartments for storing oral medications organized in daily doses.

"Medication service" means any service provided either directly or indirectly by an assisted living facility related to medication administration, medication administration provided through nurse delegation, medication assistance, or resident self-administration of medication.

"Memory care facility" or **"memory care unit"** means any assisted living facility which markets, or otherwise represents itself as providing memory care or specialized dementia care services, whether as a facility dedicated solely to serving residents with dementia or within a dedicated unit or wing within a larger facility. An assisted living facility does not need to specifically use the terms "memory care facility," "specialized dementia care," or similar terms in its name to be considered a memory care facility. If any part of an assisted living facility has restricted egress that prevents residents with cognitive impairment from leaving the facility without accompaniment by staff or another individual, it is sufficient to be considered as a memory care facility or memory care unit requiring certification.

"Memory care services" and **"specialized dementia care services"** means services offered and provided in addition to the domiciliary care services provided by the assisted living facility that are responsive to the typical needs of an individual with dementia.

"Neglect" means:

(1) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that main-

tain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a resident; or

(2) An act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to, conduct prohibited under RCW 9A.42.100.

"Nonresident individual" means an individual who resides in independent senior housing, independent living units in continuing care retirement communities, other similar living environment, or an unlicensed room located within an assisted living facility. A nonresident individual must not receive from the assisted living facility:

(1) Domiciliary care directly or indirectly; or

(2) Items or services listed in the definition of "general responsibility for the safety and well-being of the resident," except as allowed under WAC 388-78A-2032 or when the person is receiving adult day services.

"Nonpractitioner" means any individual who is not a practitioner as defined in WAC 388-78A-2020 and chapter 69.41 RCW.

"Nurse" means an individual currently licensed under chapter 18.79 RCW as either a:

(1) **Licensed practical nurse** (LPN); or

(2) **Registered nurse** (RN).

"Over-the-counter (OTC) medication" means any medication that may be legally purchased without a prescriptive order, including, but not limited to, aspirin, antacids, vitamins, minerals, or herbal preparations.

"Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or any other legal or commercial entity.

"Physician" means an individual licensed under chapter 18.57 or 18.71 RCW.

"Practitioner" means a licensed physician, osteopathic physician, podiatric physician, pharmacist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, dentist, and physician assistant. Refer to chapter 69.41 RCW for a complete listing of practitioners.

"Prescribed medication" means any medication (legend drug, controlled substance, and over-the-counter) that is prescribed by an authorized practitioner.

"Prescriber" means a health care practitioner authorized by Washington state law to prescribe drugs.

"Problem" means a violation of any WAC or RCW applicable to the operation of an assisted living facility:

(1) **"Recurring problem"** means, for all purposes other than those described in RCW 18.20.400, that the department has cited the assisted living facility for a violation of WAC or RCW and the circumstances of either (a) or (b) of this subsection are present. If the previous violation in (a) or (b) of this subsection was pursuant to WAC or RCW that has changed at the time of the new violation, citation to the equivalent current WAC or RCW section is sufficient. When there is a change in licensees between the first and the second or third citations, the new licensee must accept, and the department will consider, the prior licensee's compliance and enforcement record as part of the new licensee's compliance record at that assisted living facility if any person affiliated with the new licensee was affiliated with the prior licensee at the same assisted living facility. A person is con-

sidered affiliated with the licensee if the person is an applicant for the assisted living facility license, or is listed on the license application as a partner, officer, director, or majority owner of the applicant.

(a) The department previously imposed an enforcement remedy for a violation of the same section of WAC or RCW for substantially the same problem following any type of inspection within the preceding 36 months.

(b) The department previously cited a violation under the same section of WAC or RCW for substantially the same problem following any type of inspection on two occasions within the preceding 36 months.

(2) **"Serious problem"** means that there has been a violation of a WAC or RCW and:

(a) The resident was significantly harmed; or

(b) It is likely that the resident will be significantly harmed or die.

(3) **"Uncorrected problem"** means the department has cited a violation of WAC or RCW following any type of inspection and the violation remains uncorrected at the time the department makes a subsequent inspection for the specific purpose of verifying whether such violation has been corrected. When there is a change in licensee, the new licensee is responsible for correcting any remaining violations that may exist, including complying with any plan of correction in effect immediately prior to the change in licensee.

"Prospective resident" means an individual who seeks admission to a licensed assisted living facility and has completed and signed an application for admission, or the individual's legal representative or designated representative, if any, completed and signed the application on their behalf.

"Reasonable accommodation" or **"reasonably accommodate"** have the meaning given in federal and state antidiscrimination laws and regulations which include, but are not limited to, the following:

(1) Reasonable accommodation means that the assisted living facility must:

(a) Not impose admission criteria that excludes individuals unless the criteria is necessary for the provision of assisted living facility 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 assisted living facility; or

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

"RCW" means Revised Code of Washington.

"Records" means:

(1) **"Active records"** means the current, relevant documentation regarding residents necessary to provide care and services to residents; or

(2) **"Inactive records"** means historical documentation regarding the provision of care and services to residents that is no longer rel-

evant to the current delivery of services and has been thinned from the active record.

"Resident" means an individual who:

(1) Chooses to reside in an assisted living facility, including an individual receiving respite care;

(2) Is not related by blood or marriage to the operator of the assisted living facility;

(3) Receives basic services; and

(4) Receives one or more of the services listed in the definition of "general responsibility for the safety and well-being of the resident," and may receive domiciliary care or respite care provided directly, or indirectly, by the assisted living facility. Whereas, a nonresident individual may receive services that are permitted under WAC 388-78A-2032.

"Resident's representative" means one of the following:

(1) The legal representative who is the person or persons identified in RCW 7.70.065 and who may act on behalf of the resident pursuant to the scope of their legal authority. The legal representative must not be affiliated with the licensee, assisted living facility, or management company, unless the affiliated person is a family member of the resident.

(2) If there is no legal representative, a person designated voluntarily by a competent resident in writing, to act in the resident's behalf concerning the care and services provided by the assisted living facility, and to receive information from the assisted living facility if there is no legal representative. The resident's representative must not be affiliated with the licensee, assisted living facility, or management company, unless the affiliated person is a family member of the resident. The resident's representative under this subsection must not have authority to act on behalf of the resident once the resident is no longer competent. The resident's competence must be determined using the criteria in chapter 11.130 RCW.

"Respite care" means short-term care for any period in excess of 24 continuous hours for a resident to temporarily relieve the family or other caregiver of providing that care.

"Restraint" means any method or device used to prevent or limit free body movement, including, but not limited to:

(1) **"Confinement"** unless agreed to as provided in WAC 388-78A-2370;

(2) **"Chemical restraint"** means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(3) **"Mechanical restraint"** means any device attached or adjacent to the vulnerable adult's body that they cannot easily remove and restricts freedom of movement or normal access to the vulnerable adult's body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are:

(a) Medically authorized, as required, and;

(b) Used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

(4) **"Physical restraint"** means the application of physical force without the use of any device, for the purpose of restraining the free

movement of a vulnerable adult's body. "Physical restraint" does not include:

(a) Briefly holding without undue force a vulnerable adult in order to calm or comfort the vulnerable adult; or

(b) Holding a vulnerable adult's hand to safely escort the vulnerable adult from one area to another.

"Room" means a space set apart by floor to ceiling partitions on all sides with all openings provided with doors or windows.

(1) **"Sleeping room"** means a room where a resident is customarily expected to sleep and contains a resident's bed.

(2) **"Resident living room"** means the common space in a resident unit that is not a sleeping room, bathroom, or closet.

"Significant change" means a change in the resident's physical, mental, or psychosocial status that causes either life-threatening conditions or clinical complications.

"Special needs" means a developmental disability, mental illness, or dementia.

"Staff person" means any assisted living facility employee, temporary employee, or contractor, whether employed or retained by the licensee or any management company or volunteer.

"State fire marshal" means the director of fire protection under the direction of the chief of the Washington state patrol.

"Toilet" means a disposal apparatus used for urination and defecation fitted with a seat and flushing device.

"Volunteer" means an individual who interacts with residents without reimbursement.

"Vulnerable adult" means a person:

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

(2) Found incapacitated under RCW 74.34.020;

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

(4) Admitted to any facility, including any assisted living facility;

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

(6) Receiving services from an individual provider; or

(7) For the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, includes a person who is an adult of any age who lacks the functional, mental, or physical ability to care for themselves.

"WAC" means Washington Administrative Code.

"Wellness program" means an educational program provided by the assisted living facility. It is a proactive and preventative approach to assist residents and nonresident individuals in achieving optimal levels of health, social, and emotional functioning. A wellness program does not include medical care or interventions.

"Willful" means the deliberate, or nonaccidental action or inaction by an alleged perpetrator that the alleged perpetrator knows, or reasonably should have known, could cause a negative outcome, including harm, injury, pain, or anguish.

"WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW administered by the Washington state department of labor and industries.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2020, filed 7/15/26, effective 8/15/26. Statutory Authority:

RCW 18.20.090, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 25-16-099, s 388-78A-2020, filed 8/6/25, effective 9/6/25. Statutory Authority: Chapter 18.20 RCW. WSR 18-18-004, § 388-78A-2020, filed 8/23/18, effective 9/23/18; WSR 18-08-065, § 388-78A-2020, filed 4/2/18, effective 5/3/18; WSR 14-05-035, § 388-78A-2020, filed 2/12/14, effective 3/15/14; WSR 13-13-063, § 388-78A-2020, filed 6/18/13, effective 7/19/13; WSR 12-21-070, § 388-78A-2020, filed 10/18/12, effective 11/18/12; WSR 12-08-004, § 388-78A-2020, filed 3/22/12, effective 4/22/12. Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. WSR 08-05-099, § 388-78A-2020, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 18.20.090 and 2006 c 242. WSR 06-13-028, § 388-78A-2020, filed 6/13/06, effective 7/14/06. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2020, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2020, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2030 Assisted living facility license required. (1) An assisted living facility license is required to operate or maintain an assisted living facility as defined in chapter 18.20 RCW and this chapter.

(2) An assisted living facility license is required when any person other than a family member provides housing, one or more basic services, and one or more of the following:

(a) Assumes general responsibility for the safety and well-being of the residents except as provided in WAC 388-78A-2032;

(b) Provides domiciliary care which includes:

(i) Providing assistance with activities of daily living, either directly or indirectly as defined in this chapter and described in WAC 388-78A-2190;

(ii) Providing health support services, either directly or indirectly as defined in this chapter and described in WAC 388-78A-2200; or

(iii) Providing intermittent nursing services, either directly or indirectly as described in WAC 388-78A-2310.

(3) An assisted living facility license is required if the provision of items and services to a nonresident individual requires ongoing evaluation or assessment, ongoing care and service planning, ongoing intervention or ongoing monitoring of a nonresident individual's well-being as specified in this chapter.

(4) The assisted living facility may provide adult day services as defined in WAC 388-78A-2020 and as specified in WAC 388-78A-2360 to nonresident individuals, including independent living residents, on the assisted living facility premises.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2030, filed 6/18/13, effective 7/19/13; WSR 12-08-004, § 388-78A-2030, filed 3/22/12, effective 4/22/12. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2030, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2032 Assisted living facility license not required. (1) An assisted living facility license is not required for the housing, or services, customarily provided under landlord tenant agreements governed by the residential tenant act, chapter 59.18 RCW, or

when housing nonresident individuals who chose to participate in the programs or services in subsection (2) of this section when offered by the assisted living facility licensee or the licensee's contractor.

(2) An assisted living facility license is not required for one or more of the following items and services that may, upon request of the nonresident individual, be provided to a nonresident individual:

(a) Emergency assistance provided on an intermittent or nonroutine basis;

(b) Systems including technology-based monitoring devices employed by independent senior housing, or independent living units in continuing care retirement communities, to respond to the potential need for emergency services;

(c) Scheduled and nonscheduled blood pressure checks;

(d) Nursing assessment services to determine whether referral to an outside health care provider is recommended;

(e) Making and reminding of health care appointments;

(f) Preadmission assessment, for the purposes of transitioning to a licensed care setting;

(g) Medication assistance which may include reminding or coaching the nonresident individual, opening the nonresident individual's medication container, using an enabler, and handing prefilled insulin syringes to the nonresident individual;

(h) Prefilling insulin syringes which must be performed by a nurse licensed under chapter 18.79 RCW;

(i) Assessment to determine cause of a fall;

(j) Nutrition management and education services;

(k) Dental services;

(l) Wellness programs as defined in WAC 388-78A-2020; or

(m) Services customarily provided under the landlord tenant agreements governed by the Residential Landlord-Tenant Act, chapter 59.18 RCW.

(3) This section does not prohibit an assisted living facility from furnishing written information concerning available community resources to nonresident individuals or the individual's family members or legal representatives. However, the assisted living facility may not require the use of any particular service provider.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2032, filed 6/18/13, effective 7/19/13; WSR 12-08-004, § 388-78A-2032, filed 3/22/12, effective 4/22/12.]

WAC 388-78A-2035 Disclosure statement to nonresident individuals. (1) An assisted living facility must provide each nonresident individual a disclosure statement upon admission and at the time that additional services are requested by the nonresident individual.

(2) The disclosure statement must notify the nonresident individual that:

(a) The resident rights of chapter 70.129 RCW do not apply to nonresident individuals;

(b) Licensing requirements for assisted living facilities under this chapter do not apply to nonresident units; and

(c) The jurisdiction of the long-term care ombuds does not apply to nonresident individuals and nonresident units.

[Statutory Authority: Chapter 18.20 RCW. WSR 14-05-035, § 388-78A-2035, filed 2/12/14, effective 3/15/14; WSR 13-13-063, §

388-78A-2035, filed 6/18/13, effective 7/19/13; WSR 12-08-004, § 388-78A-2035, filed 3/22/12, effective 4/22/12.]

WAC 388-78A-2040 Other requirements. (1) The assisted living facility must comply with all other applicable federal, state, county and municipal statutes, rules, codes and ordinances, including without limitations those that prohibit discrimination.

(2) The assisted living facility must have its building approved by the Washington state fire marshal in order to be licensed.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2040, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2040, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2050 Resident characteristics. (1) The assisted living facility may admit and retain an individual as a resident in an assisted living facility only if:

(a) The assisted living facility can safely and appropriately serve the individual with appropriate available staff providing:

(i) The scope of care and services described in the assisted living facility's disclosure information, except if the assisted living facility chooses to provide additional services consistent with RCW 18.20.300(4); and

(ii) The reasonable accommodations required by state or federal law, including providing any specialized training to caregivers that may be required according to WAC 388-78A-2490 through 388-78A-2510;

(b) The individual does not require the frequent presence and frequent evaluation of a registered nurse, excluding those individuals who are receiving hospice care or individuals who have a short-term illness that is expected to be resolved within fourteen days as long as the assisted living facility has the capacity to meet the individual's identified needs; and

(c) The individual is ambulatory, unless the assisted living facility is approved by the Washington state director of fire protection to care for semiambulatory or nonambulatory residents.

(2) The assisted living facility may admit and provide care for residents with dementia in a building without restricted egress when the facility does not represent themselves to the public, prospective residents, residents, and resident representatives as providing memory care services, as a memory care facility, or memory care unit without obtaining a certification.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2050, filed 7/15/26, effective 8/15/26. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2050, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2050, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2050, filed 7/30/04, effective 9/1/04.]

ASSESSMENT AND MONITORING

WAC 388-78A-2060 Preadmission assessment. The assisted living facility must conduct a preadmission assessment for each prospective resident that includes the following information, unless unavailable despite the best efforts of the assisted living facility:

(1) Medical history;

(2) Necessary and contraindicated medications;

(3) A licensed medical or health professional's diagnosis, unless the prospective resident objects for religious reasons;

(4) Significant known behaviors or symptoms that may cause concern or require special care;

(5) Mental illness diagnosis, except where protected by confidentiality laws;

(6) Level of personal care needs;

(7) Activities and service preferences; and

(8) Preferences regarding other issues important to the prospective resident, such as food and daily routine.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2060, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2060, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2060, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2070 Timing of preadmission assessment. (1) Unless there is an emergency, the assisted living facility must complete the preadmission assessment of the prospective resident before each prospective resident moves into the assisted living facility.

(2) The assisted living facility must ensure the preadmission assessment is completed within five calendar days of the resident moving into the assisted living facility when the resident moves in under emergency conditions.

(3) For the purposes of this section, "emergency" means any circumstances when the prospective resident would otherwise need to remain in an unsafe setting or be without adequate and safe housing.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2070, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2070, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2080 Qualified assessor. The assisted living facility must ensure the person responsible for completing a preadmission assessment of a prospective resident:

(1) Has a master's degree in social services, human services, behavioral sciences or an allied field and two years social service experience working with adults who have functional or cognitive disabilities; or

(2) Has a bachelor's degree in social services, human services, behavioral sciences, or an allied field and three years social service experience working with adults who have functional or cognitive disabilities; or

(3) Has a valid Washington state license to practice nursing, in accordance with chapters 18.79 RCW and 246-840 WAC; or

(4) Is a physician with a valid state license to practice medicine; or

(5) Has three years of successful experience acquired prior to September 1, 2004, assessing prospective and current assisted living facility residents in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, assisted living facility, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2080, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2080, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2090 Full assessment topics. The assisted living facility must obtain sufficient information to be able to assess the capabilities, needs, and preferences for each resident, and must complete a full assessment addressing the following, within fourteen days of the resident's move-in date, unless extended by the department for good cause:

(1) Individual's recent medical history, including, but not limited to:

(a) A licensed medical or health professional's diagnosis, unless the resident objects for religious reasons;

(b) Chronic, current, and potential skin conditions; or

(c) Known allergies to foods or medications, or other considerations for providing care or services.

(2) Currently necessary and contraindicated medications and treatments for the individual, including:

(a) Any prescribed medications, and over-the-counter medications commonly taken by the individual, that the individual is able to independently self-administer, or safely and accurately direct others to administer to him/her;

(b) Any prescribed medications, and over-the-counter medications commonly taken by the individual, that the individual is able to self-administer when he/she has the assistance of a caregiver; and

(c) Any prescribed medications, and over-the-counter medications commonly taken by the individual, that the individual is not able to self-administer, and needs to have administered to him or her.

(3) The individual's nursing needs when the individual requires the services of a nurse on the assisted living facility premises.

(4) Individual's sensory abilities, including:

(a) Vision; and

(b) Hearing.

(5) Individual's communication abilities, including:

(a) Modes of expression;

(b) Ability to make self understood; and

(c) Ability to understand others.

(6) Significant known behaviors or symptoms of the individual causing concern or requiring special care, including:

(a) History of substance abuse;

(b) History of harming self, others, or property; or

(c) Other conditions that may require behavioral intervention strategies;

(d) Individual's ability to leave the assisted living facility unsupervised; and

(e) Other safety considerations that may pose a danger to the individual or others, such as use of medical devices or the individual's ability to smoke unsupervised, if smoking is permitted in the assisted living facility.

(7) Individual's special needs, by evaluating available information, or if available information does not indicate the presence of special needs, selecting and using an appropriate tool, to determine the presence of symptoms consistent with, and implications for care and services of:

(a) Mental illness, or needs for psychological or mental health services, except where protected by confidentiality laws;

(b) Developmental disability;

(c) Dementia. While screening a resident for dementia, the assisted living facility must:

(i) Base any determination that the resident has short-term memory loss upon objective evidence; and

(ii) Document the evidence in the resident's record.

(d) Other conditions affecting cognition, such as traumatic brain injury.

(8) Individual's level of personal care needs, including:

(a) Ability to perform activities of daily living;

(b) Medication management ability, including:

(i) The individual's ability to obtain and appropriately use over-the-counter medications; and

(ii) How the individual will obtain prescribed medications for use in the assisted living facility.

(9) Individual's activities, typical daily routines, habits and service preferences.

(10) Individual's personal identity and lifestyle, to the extent the individual is willing to share the information, and the manner in which they are expressed, including preferences regarding food, community contacts, hobbies, spiritual preferences, or other sources of pleasure and comfort.

(11) Who has decision-making authority for the individual, including:

(a) The presence of any advance directive, or other legal document that will establish a substitute decision maker in the future;

(b) The presence of any legal document that establishes a current substitute decision maker; and

(c) The scope of decision-making authority of any substitute decision maker.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2090, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2090, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2100 Ongoing assessments. (1) The department amended portions of this rule from January 18, 2022, through June 8, 2023, in response to the state of emergency related to the COVID-19 pandemic. For requirements in place during that time, see WAC 388-78A-2101.

(2) The assisted living facility must:

(a) Complete a full assessment addressing the elements set forth in WAC 388-78A-2090 for each resident at least annually;

(b) For residents with dementia living in an assisted living facility certified as a memory care facility or memory care unit, com-

plete a full assessment addressing the elements set forth in 388-78A-2090 for each resident at least semi-annually.

(c) Complete an assessment specifically focused on a resident's identified problems and related issues:

(i) Consistent with the resident's change of condition as specified in WAC 388-78A-2120;

(ii) When the resident's negotiated service agreement no longer addresses the resident's current needs and preferences;

(iii) When the resident has an injury requiring the intervention of a practitioner.

(d) Ensure the staff person performing the ongoing assessments is qualified to perform them.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2100, filed 7/15/26, effective 8/15/26. Statutory Authority: Chapter 18.51 RCW. WSR 23-14-029, § 388-78A-2100, filed 6/26/23, effective 7/27/23. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2100, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2100, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2100, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2101 Ongoing assessments—Requirements in effect from January 18, 2022, through June 8, 2023, in response to the state of emergency related to COVID-19. (1) In response to the state of emergency related to the COVID-19 pandemic, the department adopted emergency rules under RCW 34.05.320 on January 18, 2022, to amend a portion of WAC 388-78A-2100. The emergency rules remained in effect until June 8, 2023. The amended rules in place at that time were:

(2) The assisted living facility must:

(a) Complete a full assessment addressing the elements set forth in WAC 388-78A-2090 for each resident at least annually, except beginning January 18, 2022, assessments for residents whose care is state funded may be extended an additional 12 months during the COVID-19 public health emergency;

(b) Complete an assessment specifically focused on a resident's identified problems and related issues:

(i) Consistent with the resident's change of condition as specified in WAC 388-78A-2120;

(ii) When the resident's negotiated service agreement no longer addresses the resident's current needs and preferences;

(iii) When the resident has an injury requiring the intervention of a practitioner.

(c) Ensure the staff person performing the ongoing assessments is qualified to perform them.

[Statutory Authority: Chapter 18.51 RCW. WSR 23-14-029, § 388-78A-2101, filed 6/26/23, effective 7/27/23.]

WAC 388-78A-2110 Resident participation in assessments. The assisted living facility must directly involve each resident or prospective resident, to the extent possible, along with any appropriate res-

ident representative to the extent he or she is willing and capable, in the preadmission assessment and on-going assessment process.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2110, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2110, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2120 Monitoring residents' well-being. The assisted living facility must:

(1) Observe each resident consistent with his or her assessed needs and negotiated service agreement;

(2) Identify any changes in the resident's physical, emotional, and mental functioning that are a:

(a) Departure from the resident's customary range of functioning; or

(b) Recurring condition in a resident's physical, emotional, or mental functioning that has previously required intervention by others.

(3) Evaluate, in order to determine if there is a need for further action:

(a) The changes identified in the resident per subsection (2) of this section; and

(b) Each resident when an accident or incident that is likely to adversely affect the resident's well-being, is observed by or reported to staff persons.

(4) Take appropriate action in response to each resident's changing needs.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2120, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2120, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2120, filed 7/30/04, effective 9/1/04.]

NEGOTIATED SERVICE AGREEMENT

WAC 388-78A-2130 Service agreement planning. The assisted living facility must:

(1) Develop an initial resident service plan, based upon discussions with the resident and the resident's representative if the resident has one, and the preadmission assessment of a qualified assessor, upon admitting a resident into an assisted living facility. The assisted living facility must ensure the initial resident service plan:

(a) Integrates the assessment information provided by the department's case manager for each resident whose care is partially or wholly funded by the department or the health care authority;

(b) Identifies the resident's immediate needs; and

(c) Provides direction to staff and caregivers relating to the resident's immediate needs, capabilities, and preferences.

(2) Complete the negotiated service agreement for each resident using the resident's preadmission assessment, initial resident service

plan, and full assessment information, within thirty days of the resident moving in;

(3) Review and update each resident's negotiated service agreement consistent with WAC 388-78A-2120:

(a) Within a reasonable time consistent with the needs of the resident following any change in the resident's physical, mental, or emotional functioning; and

(b) Whenever the negotiated service agreement no longer adequately addresses the resident's current assessed needs and preferences.

(4) Review and update each resident's negotiated service agreement as necessary following an annual full assessment;

(5) Involve the following persons in the process of developing and updating a negotiated service agreement:

(a) The resident;

(b) The resident's representative to the extent he or she is willing and capable, if the resident has one;

(c) Other individuals the resident wants included;

(d) The department's case manager, if the resident is a recipient of medicaid assistance, or any private case manager, if available; and

(e) Staff designated by the assisted living facility.

(6) Ensure:

(a) Individuals participating in developing the resident's negotiated service agreement:

(i) Discuss the resident's assessed needs, capabilities, and preferences; and

(ii) Negotiate and agree upon the care and services to be provided to support the resident; and

(b) Staff persons document in the resident's record the agreed upon plan for services.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2130, filed 6/18/13, effective 7/19/13; WSR 12-01-003, § 388-78A-2130, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2130, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2140 Negotiated service agreement contents. The assisted living facility must develop, and document in the resident's record, the agreed upon plan to address and support each resident's assessed capabilities, needs and preferences, including the following:

(1) The care and services necessary to meet the resident's needs, including:

(a) The plan to monitor the resident and address interventions for current risks to the resident's health and safety that were identified in one or more of the following:

(i) The resident's preadmission assessment;

(ii) The resident's full assessments;

(iii) On-going assessments of the resident;

(b) The plan to provide assistance with activities of daily living, if provided by the assisted living facility;

(c) The plan to provide necessary intermittent nursing services, if provided by the assisted living facility;

(d) The plan to provide necessary health support services, if provided by the assisted living facility;

(e) The resident's preferences for how services will be provided, supported and accommodated by the assisted living facility.

(2) Clearly defined respective roles and responsibilities of the resident, the assisted living facility staff, and resident's family or other significant persons in meeting the resident's needs and preferences. Except as specified in WAC 388-78A-2290 and 388-78A-2340(5), if a person other than a caregiver is to be responsible for providing care or services to the resident in the assisted living facility, the assisted living facility must specify in the negotiated service agreement an alternate plan for providing care or service to the resident in the event the necessary services are not provided. The assisted living facility may develop an alternate plan:

(a) Exclusively for the individual resident; or

(b) Based on standard policies and procedures in the assisted living facility provided that they are consistent with the reasonable accommodation requirements of state and federal law.

(3) The times services will be delivered, including frequency and approximate time of day, as appropriate;

(4) The resident's preferences for activities and how those preferences will be supported;

(5) Appropriate behavioral interventions, if needed;

(6) A communication plan, if special communication needs are present;

(7) The resident's ability to leave the assisted living facility premises unsupervised; and

(8) The assisted living facility must not require or ask the resident or the resident's representative to sign any negotiated service or risk agreement, that purports to waive any rights of the resident or that purports to place responsibility or liability for losses of personal property or injury on the resident.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2140, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2140, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2150 Signing negotiated service agreement. The assisted living facility must ensure that the negotiated service agreement is agreed to and signed at least annually by:

(1) The resident, or the resident's representative if the resident has one and is unable to sign or chooses not to sign;

(2) A representative of the assisted living facility duly authorized by the assisted living facility to sign on its behalf; and

(3) Any public or private case manager for the resident, if available.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2150, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2150, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2160 Implementation of negotiated service agreement. The assisted living facility must provide the care and services as agreed upon in the negotiated service agreement to each resident unless a deviation from the negotiated service agreement is mutually agreed upon between the assisted living facility and the resident or

the resident's representative at the time the care or services are scheduled.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2160, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2160, filed 7/30/04, effective 9/1/04.]

ASSISTED LIVING FACILITY SERVICES

WAC 388-78A-2170 Required assisted living facility services. (1) The assisted living facility must provide housing and assume general responsibility for the safety and well-being of each resident, as defined in this chapter, consistent with the resident's assessed needs and negotiated service agreement.

(2) The assisted living facility must provide each resident with the following basic services, consistent with the resident's assessed needs and negotiated service agreement:

(a) **Activities -** Arranging for activities in accordance with WAC 388-78A-2180;

(b) **Housekeeping -** Providing a safe, clean and comfortable environment for each resident, including personal living quarters and all other resident accessible areas of the building;

(c) **Laundry -** Keeping the resident's clothing clean and in good repair, and laundering towels, washcloths, bed linens on a weekly basis or more often as necessary to maintain cleanliness;

(d) **Meals -** Providing meals in accordance with WAC 388-78A-2300; and

(e) **Nutritious snacks -** Providing nutritious snack items on a scheduled and nonscheduled basis, and providing nutritious snacks in accordance with WAC 388-78A-2300.

(3) The assisted living facility must:

(a) Provide care and services to each resident by staff persons who are able to communicate with the resident in a language the resident understands; or

(b) Make provisions for communications between staff persons and residents to ensure an accurate exchange of information.

(4) The assisted living facility must ensure each resident is able to obtain individually preferred personal care items when:

(a) The preferred personal care items are reasonably available; and

(b) The resident is willing and able to pay for obtaining the preferred items.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2170, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2170, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2180 Activities. The assisted living facility must:

(1) Provide space and staff support necessary for:

(a) Each resident to engage in independent or self-directed activities that are appropriate to the setting, consistent with the res-

ident's assessed interests, functional abilities, preferences, and negotiated service agreement; and

(b) Group activities at least three times per week that may be planned and facilitated by caregivers consistent with the collective interests of a group of residents.

(2) Make available routine supplies and equipment necessary for activities described in subsection (1) of this section.

(3) The assisted living facility certified as a memory care facility or memory care unit must provide daily activities consistent with functional abilities, interests, habits, and preferences of the individual residents. On a daily basis, except during the activation of the disaster preparedness plan, the facility or unit must provide residents access to:

(a) Opportunities for independent, self-directed activities;

(b) Individual activities, in which a staff person or volunteer engages the resident in a planned or spontaneous activity of interest. Activities may include personal care activities and provide opportunities for purposeful and positive interactions;

(c) Group activities; and

(d) Offer opportunities for activities that accommodate variations in a resident's mood, energy, and preferences. The facility or unit must make appropriate activities available based upon each resident's individual schedule and interests. For example, a resident up at night must have access to staff support, food, and appropriate activities.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2180, filed 7/15/26, effective 8/15/26. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2180, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2180, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2190 Activities of daily living. Assistance with activities of daily living is a service that the assisted living facility may provide.

(1) If an assisted living facility chooses not to provide assistance with activities of daily living:

(a) The assisted living facility must admit or retain only those residents who are independent in activities of daily living; except that

(b) A resident, or the resident's representative, may independently arrange for outside services to assist with activities of daily living.

(2) When an assisted living facility chooses to provide, either directly or indirectly, assistance with activities of daily living, the assisted living facility must provide that assistance consistent with the reasonable accommodation requirements in state and federal laws.

(3) When an assisted living facility chooses to provide, either directly or indirectly, assistance with activities of daily living, the assisted living facility must provide to each resident, consistent with the resident's assessed needs, minimal assistance with the following activities of daily living:

(a) **Bathing:** Minimal assistance with bathing means the assisted living facility must provide the resident with occasional:

(i) Reminding or cuing to wash and dry all areas of the body as needed;

(ii) Stand-by assistance getting into and out of the tub or shower; and

(iii) Physical assistance limited to steadying the resident during the activity.

(b) **Dressing:** Minimal assistance with dressing means the assisted living facility must provide the resident with occasional:

(i) Reminding or cuing to put on, take off, or lay out clothing, including prostheses when the assistance of a licensed nurse is not required;

(ii) Stand-by assistance during the activity; and

(iii) Physical assistance limited to steadying the resident during the activity.

(c) **Eating:** Minimal assistance with eating means the assisted living facility must provide the resident with occasional:

(i) Reminding or cuing to eat and drink; and

(ii) Physical assistance limited to cutting food up, preparing food and beverages, and bringing food and fluids to the resident.

(d) **Personal hygiene:** Minimal assistance with personal hygiene means the assisted living facility must provide the resident with occasional:

(i) Reminding and cuing to comb hair, perform oral care and brush teeth, shave, apply makeup, and wash and dry face, hands and other areas of the body;

(ii) Stand-by assistance during the activity; and

(iii) Physical assistance limited to steadying the resident during the activity.

(e) **Transferring:** Minimal assistance in transferring means the assisted living facility must provide the resident with occasional:

(i) Reminders or cuing to move between surfaces, for example to and from the bed, chair and standing;

(ii) Stand-by assistance during the activity; and

(iii) Physical assistance limited to steadying the resident during self-transfers.

(f) **Toileting:** Minimal assistance in toileting means the assisted living facility must provide the resident with occasional:

(i) Reminders and cuing to toilet, including resident self-care of ostomy or catheter, to wipe and cleanse, and to change and adjust clothing, protective garments and pads;

(ii) Stand-by assistance during the activity; and

(iii) Physical assistance limited to steadying the resident during the activity.

(g) **Mobility:** Minimal assistance in mobility means the assisted living facility must provide the resident with occasional:

(i) Reminding or cuing to move between locations on the assisted living facility premises;

(ii) Stand-by assistance during the activity; and

(iii) Physical assistance limited to steadying the resident during the activity; and

(h) **Medication assistance:** As defined in RCW 69.41.010.

(4) The assisted living facility may choose to provide more than minimal assistance with activities of daily living consistent with state and federal law.

[Statutory Authority: Chapter 18.20 RCW and RCW 18.20.310. WSR 19-07-033, § 388-78A-2190, filed 3/13/19, effective 4/13/19. Statutory

Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2190, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2190, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2200 Health support services. Health support services are an optional service that the assisted living facility may provide. The assisted living facility may choose to provide any of the following health support services; however, an assisted living facility may or may not need to provide additional health support services to comply with the reasonable accommodation requirements in federal and state law. The assisted living facility may provide:

(1) Blood glucose testing;

(2) Puree diets;

(3) Calorie controlled diabetic diets;

(4) Dementia care;

(5) Memory care only in an assisted living facility certified as a memory care facility or memory care unit;

(6) Mental health care; and

(7) Developmental disabilities care.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2200, filed 7/15/26, effective 8/15/26. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2200, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2200, filed 7/30/04, effective 9/1/04.]

Respite

WAC 388-78A-2202 Respite—General. An assisted living facility:

(1) May provide short term respite care;

(2) Must limit the length of stay for an individual on respite to thirty calendar days or less; and

(3) Must not use respite as a placement pending the resident's admission to the assisted living facility.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2202, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090, 2008 c 146, and chapter 18.20 RCW. WSR 09-01-079, § 388-78A-2202, filed 12/15/08, effective 1/15/09.]

WAC 388-78A-2204 Respite—Information. When an assisting living facility provides respite care, before or at the time of admission, the assisted living facility must obtain sufficient information about the individual to meet the individual's anticipated needs. That information must include at a minimum:

(1) The resident's legal name;

(2) The name, phone number and address of the resident's representative, if applicable;

(3) The name and address of the adult family home, assisted living facility, or other location where the resident normally lives,

with the name of a contact person and the contact person's phone number;

(4) The name, address, and telephone number of the resident's attending physician, and alternate physician if any;

(5) Medical and social history, which may be obtained from a respite care assessment and respite 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

(6) Physician's orders for diet, medication, and routine care consistent with the resident's status on admission.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2204, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090, 2008 c 146, and chapter 18.20 RCW. WSR 09-01-079, § 388-78A-2204, filed 12/15/08, effective 1/15/09.]

WAC 388-78A-2206 Respite—Assessment. The assisted living facility must ensure that any individual on respite has assessments performed, where needed, and if the assessment of the individual shows symptoms of:

(1) Tuberculosis, follow required tuberculosis testing requirements; and

(2) Other infectious conditions or diseases, follow the appropriate infection control processes.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2206, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090, 2008 c 146, and chapter 18.20 RCW. WSR 09-01-079, § 388-78A-2206, filed 12/15/08, effective 1/15/09.]

WAC 388-78A-2208 Respite—Negotiated service agreement. With the participation of the individual, and where appropriate their representative, the assisted living facility must develop a negotiated service agreement, to maintain or improve the individual's health and functional status during their stay in the assisted living facility.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2208, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090, 2008 c 146, and chapter 18.20 RCW. WSR 09-01-079, § 388-78A-2208, filed 12/15/08, effective 1/15/09.]

Medications

WAC 388-78A-2210 Medication services. (1) An assisted living facility providing medication service, either directly or indirectly, must:

(a) Meet the requirements of chapter 69.41 RCW Legend drugs—Prescription drugs, and other applicable statutes and administrative rules; and

(b) Develop and implement systems that support and promote safe medication service for each resident.

(2) The assisted living facility must ensure the following residents receive their medications as prescribed, except as provided for in WAC 388-78A-2230 and 388-78A-2250:

(a) Each resident who requires medication assistance and his or her negotiated service agreement indicates the assisted living facility will provide medication assistance; and

(b) If the assisted living facility provides medication administration services, each resident who requires medication administration and his or her negotiated service agreement indicates the assisted living facility will provide medication administration.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2210, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2210, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2220 Prescribed medication authorizations. (1) Before the assisted living facility may provide medication assistance or medication administration to a resident for prescribed medications, the assisted living facility must have one of the following:

(a) A prescription label completed by a licensed pharmacy;

(b) A written order from the prescriber;

(c) A facsimile or other electronic transmission of the order from the prescriber; or

(d) Written documentation by a nurse of a telephone order from the prescriber.

(2) The documentation required above in subsection (1) of this section must include the following information:

(a) The name of the resident;

(b) The name of the medication;

(c) The dosage and dosage frequency of the medication; and

(d) The name of the prescriber.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2220, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2220, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2230 Medication refusal. (1) When a resident who is receiving medication assistance or medication administration services from the assisted living facility chooses to not take his or her medications, the assisted living facility must:

(a) Respect the resident's right to choose not to take medication;

(b) Document the time, date and medication the resident did not take;

(c) Notify the physician of the refusal and follow any instructions provided, unless there is a staff person available who, acting within his or her scope of practice, is able to evaluate the significance of the resident not getting his or her medication, and such staff person;

(i) Conducts an evaluation; and

(ii) Takes the appropriate action, including notifying the prescriber or primary care practitioner when there is a consistent pattern of the resident choosing to not take his or her medications.

(2) The assisted living facility must comply with subsection (1) of this section, unless the prescriber or primary care practitioner has provided the assisted living facility with:

(a) Specific directions for addressing the refusal of the identified medication;

(b) The assisted living facility documents such directions; and

(c) The assisted living facility is able to fully comply with such directions.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2230, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2230, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2240 Nonavailability of medications. When the assisted living facility has assumed responsibility for obtaining a resident's prescribed medications, the assisted living facility must obtain them in a correct and timely manner.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2240, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2240, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2250 Alteration of medications. The assisted living facility must generally provide medications in the form they are prescribed when administering medications or providing medication assistance to a resident. The assisted living facility may provide medications in an altered form consistent with the following:

(1) Alteration includes, but is not limited to, crushing tablets, cutting tablets in half, opening capsules, mixing powdered medications with foods or liquids, or mixing tablets or capsules with foods or liquids.

(2) Residents must be aware that the medication is being altered or added to their food.

(3) A pharmacist or other practitioner practicing within their scope of practice must determine that it is safe to alter a medication.

(4) If the medication is altered, documentation of the appropriateness of the alteration must be on the prescription container, or in the resident's record.

(5) Alteration of medications for self-administration with assistance is provided in accordance with chapter 246-888 WAC.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2250, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2250, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2260 Storing, securing, and accounting for medications. (1) The assisted living facility must secure medications for residents who are not capable of safely storing their own medications.

(2) The assisted living facility must ensure all medications under the assisted living facility's control are properly stored:

(a) In containers with pharmacist-prepared label or original manufacturer's label;

(b) Together for each resident and physically separated from other residents' medications;

(c) Separate from food or toxic chemicals;

(d) In a locked compartment that is accessible only to designated responsible staff persons; and

(e) In environments recommended on the medication label.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2260, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2260, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2270 Resident controlled medications. (1) The assisted living facility must ensure all medications are stored in a manner that prevents each resident from gaining access to another resident's medications.

(2) The assisted living facility must allow a resident to control and secure the medications that he or she self-administers or self-administers with assistance if the assisted living facility assesses the resident to be capable of safely and appropriately storing his or her own medications and the resident desires to do so.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2270, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2270, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2270, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2280 Medication organizers. (1) The assisted living facility must ensure no staff person other than a nurse or licensed pharmacist fills medication organizers for residents.

(2) The assisted living facility must ensure that any nurse who fills a medication organizer for a resident labels the medication organizer with:

(a) The name of the resident;

(b) The name of the medications in the organizer; and

(c) The frequency of the dosage.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2280, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2280, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2280, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2290 Family assistance with medications and treatments. (1) An assisted living facility may permit a resident's family member to administer medications or treatments or to provide medication or treatment assistance, including obtaining medications or treatment supplies, to the resident.

(2) The assisted living facility must disclose to the department, residents, the residents' legal representatives, if any, and if not the residents' representative if any, and to interested consumers upon request, information describing whether the assisted living facility permits such family administration or assistance and, if so, the extent of any limitations or conditions.

(3) If the assisted living facility allows family assistance with or administration of medications and treatments, and the resident and a family member(s) agree a family member will provide medication or treatment assistance, or medication or treatment administration to the resident, the assisted living facility must request that the family member submit to the assisted living facility a written plan for such assistance or administration that includes at a minimum:

(a) By name, the family member who will provide the medication or treatment assistance or administration;

(b) A description of the medication or treatment assistance or administration that the family member will provide, to be referred to as the primary plan;

(c) An alternate plan if the family member is unable to fulfill his or her duties as specified in the primary plan;

(d) An emergency contact person and telephone number if the assisted living facility observes changes in the resident's overall functioning or condition that may relate to the medication or treatment plan; and

(e) Other information determined necessary by the assisted living facility.

(4) The plan for family assistance with medications or treatments must be signed and dated by:

(a) The resident, if able;

(b) The resident's representative, if any;

(c) The resident's family member responsible for implementing the plan; and

(d) A representative of the assisted living facility authorized by the assisted living facility to sign on its behalf.

(5) The assisted living facility may, through policy or procedure, require the resident's family member to immediately notify the assisted living facility of any changes in the medication or treatment plans for family assistance or administration.

(6) The assisted living facility must require that whenever a resident's family provides medication assistance or medication administration services, the resident's significant medications remain on the assisted living facility premises whenever the resident is on the assisted living facility premises.

(7) The assisted living facility's duty of care shall be limited to: Observation of the resident for changes in overall functioning consistent with RCW 18.20.280; notification to the person or persons identified in RCW 70.129.030 when there are observed changes in the resident's overall functioning or condition, or when the assisted living facility is aware that both the primary and alternate plan are not implemented; and appropriately responding to obtain needed assistance when there are observable or reported changes in the resident's physical or mental functioning.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2290, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2290, filed 7/30/04, effective 9/1/04.]

Food

WAC 388-78A-2300 Food and nutrition services. (1) The assisted living facility must:

(a) Provide a minimum of three meals a day:

(i) At regular intervals;

(ii) With no more than fourteen hours between the evening meal and breakfast, unless the assisted living facility provides a nutritious snack after the evening meal and before breakfast.

(b) Provide sufficient time and staff support for residents to consume meals;

(c) Ensure all menus:

(i) Are written at least one week in advance and delivered to residents' rooms or posted where residents can see them, except as specified in (f) of this subsection;

(ii) Indicate the date, day of week, month and year;

(iii) Include all food and snacks served that contribute to nutritional requirements;

(iv) Are kept at least six months;

(v) Provide a variety of foods; and

(vi) Are not repeated for at least three weeks, except that breakfast menus in assisted living facilities that provide a variety of daily choices of hot and cold foods are not required to have a minimum three-week cycle.

(d) Prepare food on-site, or provide food through a contract with a food service establishment located in the vicinity that meets the requirements of chapter 246-215 WAC Food service;

(e) Serve nourishing, palatable and attractively served meals adjusted for:

(i) Age, gender and activities, unless medically contraindicated; and

(ii) Individual preferences to the extent reasonably possible.

(f) Substitute foods of equal nutrient value, when changes in the current day's menu are necessary, and record changes on the original menu;

(g) Make available and give residents alternate choices in entrees for midday and evening meals that are of comparable quality and nutritional value. The assisted living facility is not required to post alternate choices in entrees on the menu one week in advance, but must record on the menus the alternate choices in entrees that are served;

(h) Develop, make known to residents, and implement a process for residents to express their views and comment on the food services; and

(i) Maintain a dining area or areas approved by the department with a seating capacity for fifty percent or more of the residents per meal setting, or ten square feet times the licensed resident bed capacity, whichever is greater.

(2) The assisted living facility must plan in writing, prepare on-site or provide through a contract with a food service establishment located in the vicinity that meets the requirements of chapter 246-215 WAC, and serve to each resident as ordered:

(a) Prescribed general low sodium, general diabetic, and mechanical soft food diets according to a diet manual. The assisted living facility must ensure the diet manual is:

(i) Available to and used by staff persons responsible for food preparation;

(ii) Approved by a dietitian; and

(iii) Reviewed and updated as necessary or at least every five years.

(b) Prescribed nutrient concentrates and supplements when prescribed in writing by a health care practitioner.

(3) The assisted living facility may provide to a resident at his or her request and as agreed upon in the resident's negotiated service agreement, nonprescribed:

(a) Modified or therapeutic diets;

(b) Nutritional concentrates or supplements.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2300, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2300, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2300, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2300, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2305 Food sanitation. The assisted living facility must:

(1) Manage food, and maintain any on-site food service facilities in compliance with chapter 246-215 WAC, Food service;

(2) Ensure employees working as food service workers obtain a food worker card according to chapter 246-217 WAC; and

(3) Ensure a resident obtains a food worker card according to chapter 246-217 WAC whenever:

(a) The resident is routinely or regularly involved in the preparation of food to be served to other residents;

(b) The resident is paid for helping to prepare food; or

(c) The resident is preparing food to be served to other residents as part of an employment-training program.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2305, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2305, filed 12/15/05, effective 1/15/06.]

Intermittent Nursing Services and Resident-Arranged Services

WAC 388-78A-2310 Intermittent nursing services. (1) Intermittent nursing services are an optional service that the assisted living facility may provide.

(2) The assisted living facility may choose to provide any of the following intermittent nursing services through appropriately licensed and credentialed staff; however, the facility may or may not need to provide additional intermittent nursing services to comply with the reasonable accommodation requirements in federal or state law:

(a) Medication administration;

(b) Administration of health treatments;

(c) Diabetic management;

(d) Nonroutine ostomy care;

(e) Tube feeding; and

(f) Nurse delegation consistent with chapter 18.79 RCW.

(3) The assisted living facility must clarify on the disclosure form any limitations, additional services, or conditions that may apply under this section.

(4) In providing intermittent nursing services, the assisted living facility must observe the resident for changes in overall functioning and respond appropriately when there are observable or reported changes in the resident's physical, mental or emotional functioning.

(5) The assisted living facility may provide intermittent nursing services to the extent permitted by RCW 18.20.160.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2310, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2310, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2320 Intermittent nursing services systems. (1) When an assisted living facility provides intermittent nursing services to any resident, either directly or indirectly, the assisted living facility must:

(a) Develop and implement systems that support and promote the safe practice of nursing for each resident; and

(b) Ensure the requirements of chapters 18.79 RCW and 246-840 WAC are met.

(2) The assisted living facility providing nursing services, either directly or indirectly, must ensure that the nursing services systems include:

(a) Nursing services supervision;

(b) Nurse delegation, if provided;

(c) Initial and on-going assessments of the nursing needs of each resident;

(d) Development of, and necessary amendments to, the nursing component of the negotiated service agreement for each resident;

(e) Implementation of the nursing component of each resident's negotiated service agreement; and

(f) Availability of the supervisor, in person, by pager, or by telephone, to respond to residents' needs on the assisted living facility premises as necessary.

(3) The assisted living facility must ensure that all nursing services, including nursing supervision, assessments, and delegation, are provided in accordance with applicable statutes and rules, including, but not limited to:

(a) Chapter 18.79 RCW, Nursing care;

(b) Chapter 18.88A RCW, Nursing assistants;

(c) Chapter 246-840 WAC, Practical and registered nursing;

(d) Chapter 246-841 WAC, Nursing assistants; and

(e) Chapter 246-888 WAC, Medication assistance.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2320, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2320, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2330 Tube feeding. (1) Tube feeding services are an optional service that an assisted living facility may provide.

(2) The assisted living facility must provide intermittent nursing services to develop and implement the nursing component of the negotiated service agreement, administer feedings and necessary medications, and provide routine care of the tube insertion site whenever any resident requiring tube feeding is not able to:

(a) Independently and safely manage:

(i) Maintenance of the tube insertion site;

(ii) Necessary medication administration through the tube; and

(iii) Feeding administration through the tube.

(b) Arrange for an outside resource to provide:

(i) Maintenance of the tube insertion site;

(ii) Necessary medication administration through the tube; and

(iii) Feeding administration through the tube.

(3) The assisted living facility is not required to provide nursing services to a resident simply because the resident requires tube feeding if the resident can either independently manage or arrange for an outside resource to perform the tasks specified in subsection (2)(a) and (b) of this section.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2330, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2330, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2340 Resident-arranged services. (1) The assisted living facility must allow a resident to arrange to receive on-site care and services from:

(a) A practitioner, licensed under Title 18 RCW regulating health care professions; and

(b) A home health, hospice, or home care agency licensed under chapter 70.127 RCW.

(2) The assisted living facility may permit the resident or the resident's legal representative, if any, to independently arrange for other persons to provide on-site care and services to the resident.

(3) The assisted living facility is not required to supervise the activities of a person providing care or services to a resident when the resident or resident's representative has independently arranged for or contracted with the person.

(4) The assisted living facility may establish policies and procedures that describe reasonable limitations, conditions, or requirements that must be met prior to an outside service provider being allowed on-site.

(5) When the resident or the resident's representative, if any, independently arranges for outside services under subsection (1) of this section, the assisted living facility's duty of care, and any negligence that may be attributed thereto, shall be limited to: The responsibilities described under subsection (3) of this section; observation of the resident for changes in overall functioning, consistent with RCW 18.20.280; notification to the person or persons identified in RCW 70.129.030 when there are observed changes in the resident's overall functioning or condition; and appropriately responding to obtain needed assistance when there are observable or reported changes in the resident's physical or mental functioning.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2340, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2340, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2350 Coordination of health care services. (1) The assisted living facility must coordinate services with external health care providers to meet the residents' needs, consistent with the resident's negotiated service agreement.

(2) The assisted living facility must develop, implement and inform residents of the assisted living facility's policies regarding how the assisted living facility interacts with external health care providers, including:

(a) The conditions under which health care information regarding a resident will be shared with external health care providers, consistent with chapter 70.02 RCW; and

(b) How residents' rights to privacy will be protected, including provisions for residents to authorize the release of health care information.

(3) The assisted living facility may disclose health care information about a resident to external health care providers without the resident's authorization if the conditions in RCW 70.02.050 are met.

(4) If the conditions in RCW 70.02.050 are not met, the assisted living facility must request, but may not require, a resident to authorize the assisted living facility and the external health care provider to share the resident's health care information when:

(a) The assisted living facility becomes aware that a resident is receiving health care services from a source other than the assisted living facility; and

(b) The resident has not previously authorized the assisted living facility to release health care information to an external health care provider.

(5) When a resident authorizes the release of health care information or resident authorization is not required under RCW 70.02.050, the assisted living facility must contact the external health care provider and coordinate services.

(6) When authorizations to release health care information are not obtained, or when an external health care provider is unresponsive to the assisted living facility's efforts to coordinate services, the assisted living facility must:

(a) Document the assisted living facility's actions to coordinate services;

(b) Provide notice to the resident of the risks of not allowing the assisted living facility to coordinate care with the external provider; and

(c) Address known associated risks in the resident's negotiated service agreement.

(7) When coordinating care or services, the assisted living facility must:

(a) Integrate relevant information from the external provider into the resident's preadmission assessment and reassessment, and when appropriate, negotiated service agreement; and

(b) Respond appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2350, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2350, filed 7/30/04, effective 9/1/04.]

Service Delivery and Monitoring

Adult Day Services

WAC 388-78A-2360 Adult day services. (1) The assisted living facility may, but is not required to, provide an adult day services program for nonresidents.

(2) If adult day services are provided, the assisted living facility must:

(a) Ensure each adult day services client receives appropriate supervision and agreed upon care and services during the time spent in the day services program;

(b) Ensure the care and services provided to adult day services clients do not compromise the care and services provided to assisted living facility residents;

(c) Ensure the total number of residents plus adult day services clients does not exceed the assisted living facility's maximum facility capacity;

(d) Only accept adult day services clients who are appropriate for assisted living facility care and services, consistent with WAC 388-78A-2050;

(e) Provide sufficient furniture for the comfort of day services clients, in addition to furniture provided for residents;

(f) Notify appropriate individuals specified in the client's record and consistent with WAC 388-78A-2640 when there is a significant change in the condition of an adult day services client;

(g) Investigate and document incidents and accidents involving adult day services clients consistent with WAC 388-78A-2371;

(h) Maintain a separate register of adult day services clients; and

(i) Maintain a record for each adult day services client.

[Statutory Authority: RCW 18.20.090 and 74.34.068. WSR 21-12-065, § 388-78A-2360, filed 5/27/21, effective 6/27/21. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2360, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2360, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2360, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2361 Project and operations functional program. (1) The facility must develop and document their functional programing, under WAC 388-78A-2852, during the project development and planning process. This document must inform the design process and be provided to the department of health construction review services consistent

with WAC 388-78A-2852 for use in review of the construction project documents and preoccupancy survey. This document must identify and describe, as applicable:

(a) Services offered, whether intermittent nursing services or contract care services under chapter 388-110 WAC;

(b) Number of residents served under contract care services, as applicable;

(c) The care needs of the population served, to include but not limited to dementia, cognitive and developmental disability, mental health, bariatric needs, safety risks, security, resident rights, and dignity of memory care residents;

(d) Circulation patterns;

(e) Special locking or other security measures;

(f) Room use, required resources, and systems to include intermittent nursing services that will take place in the resident unit;

(g) Consideration of and mitigation for risks associated with:

(i) Operational infection control;

(ii) Resident mobility and falls;

(iii) Elopement and security;

(iv) Medication services; and

(v) Staff injury.

(2) The facility may maintain an operational functional program to document considerations and decisions related to resident needs and the maintenance or modifications to the physical environment as necessary to demonstrate compliance with performance based expectations of this chapter. This document may be used to evaluate conditions of the built environment for appropriateness to the population served and must document circumstances where facility policy and procedure are implemented in lieu of, or in support of, changes to the built environment.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2361, filed 12/31/19, effective 1/31/20.]

Dementia Care

WAC 388-78A-2370 Dementia care. (1) The assisted living facility must, to the fullest extent reasonably possible, obtain for each resident who has symptoms consistent with dementia as assessed per WAC 388-78A-2090(7):

(a) Information regarding the resident's significant life experiences, including:

(i) Family members or other significant relationships;

(ii) Education and training;

(iii) Employment and career experiences;

(iv) Religious or spiritual preferences;

(v) Familiar roles or sources of pride and pleasure.

(b) Information regarding the resident's ability or inability to:

(i) Articulate his or her personal needs; and

(ii) Initiate activity.

(c) Information regarding any patterns of resident behavior that express the resident's needs or concerns that the resident is not able to verbalize. Examples of such behaviors include, but are not limited to:

(i) Agitation;

(ii) Wandering;
(iii) Resistance to care;
(iv) Social isolation; and
(v) Aggression.

(2) The assisted living facility, in consultation with the resident's family or others familiar with the resident, must evaluate the significance and implications of the information obtained per subsection (1) of this section and integrate appropriate aspects into an individualized negotiated service agreement for the resident.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2370, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2370, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2371 Investigations. The assisted living facility must:

(1) Investigate and document investigative actions and findings for any alleged or suspected abuse, neglect, or financial exploitation; or accident or incident jeopardizing or affecting a resident health or life;

(2) Determine the circumstances of the event;

(3) When necessary, institute and document appropriate measures to prevent similar future situations if the alleged incident is substantiated; and

(4) Protect residents during the course of the investigation.

[Statutory Authority: RCW 18.20.090 and 74.34.068. WSR 21-12-065, § 388-78A-2371, filed 5/27/21, effective 6/27/21. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2371, filed 12/31/19, effective 1/31/20.]

WAC 388-78A-2380 Freedom of movement. An assisted living facility must ensure all of the following conditions are present before moving residents into units or buildings with exits that may restrict a resident's egress:

(1) Each resident, or a person authorized under RCW 7.70.065 to provide consent on behalf of the resident, consents to living in such unit or building.

(2) Each resident assessed as being cognitively and physically able to safely leave the assisted living facility is able to do so independently without restriction consistent with the resident's negotiated service agreement.

(3) The assisted living facility must have a system in place to inform and permit visitors, staff persons and appropriate residents how they may exit without sounding the alarm.

(4) The installation of access and egress controls that does not restrict the movement of residents who are cognitively and physically able to safely leave the facility independently;

(5) In new construction, access and egress controlled doors that are installed as permitted by the building code adopted by the Washington state building code council;

(6) Existing access and egress controlled doors that meet and are maintained to the requirements of the building code at the time of construction; and

(7) Buildings from which egress is restricted have:

(a) A system in place to inform and permit visitors, staff persons, and appropriate residents freedom of movement; and

(b) A secured outdoor space per WAC 388-78A-2381.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2380, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2380, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2380, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2380, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2381 General design requirements for memory care. (1) When planning for new construction, renovations or change of service to include certified memory care services, the facility must document design considerations appropriate to residents with dementia, mental health issues, or cognitive and developmental disabilities within its functional program consistent with WAC 388-78A-2380.

(2) The facility must provide common areas, including at least one resident accessible common area outdoors. Such common areas should accommodate and offer the opportunity of social interaction, by using various sized furniture groupings that stimulate activity with environmental cues such as a garden area, resident kitchen, workshop, or contains areas with activity supplies and props to encourage engagement, and have safe outdoor paths to encourage exercise and movement.

(a) These areas must have a residential atmosphere and must accommodate and offer opportunities for individual or group activity including:

(i) Giving residents opportunities for privacy, socialization, and common spaces that account for wandering behaviors;

(ii) Ensuring any public address system in the area of specialized dementia care services is used only for emergencies;

(iii) Encouraging residents' individualized spaces to be furnished and decorated with personal items based on resident needs and preferences; and

(iv) Ensuring residents have access to their own rooms at all times without staff assistance.

(b) Unless an alternative viewing area is provided as described in (c) of this subsection and written policies and procedures are created as described in (d) of this subsection, the facility must provide an outdoor area for residents that:

(i) Is located on the floor on which the resident resides;

(ii) Is designed with a minimum of 25 square feet of space per resident served;

(iii) Has areas protected from direct sunshine and rain throughout the day;

(iv) Has walking surfaces that are firm, slip-resistant and free from abrupt changes, and suitable for individuals using wheelchairs and walkers;

(v) Has outdoor furniture;

(vi) Has plants that are not poisonous or toxic to humans;

(vii) Has areas appropriate for outdoor activities of interest to residents, such as walking paths, raised garden, flowerbeds, or bird feeders; and

(viii) Is surrounded by a wall or fence at least six feet high.

(c) If a facility does not provide an outdoor area located on the floor on which the resident resides in compliance with subsection (b)(i) of this subsection, then a facility must provide an alternative viewing area that:

(i) Is not obstructed by indoor furniture, storage areas, cleaning equipment, trash receptacles, snack food or drink tables, and other such encumbrances that would minimize access to the viewing area;

(ii) Must not serve as a hallway, or an additionally required community space such as a dining area, activity room, mobile healthcare services (such as home health, podiatrist, and dental services), or other purposes;

(iii) Must be a community space, not within the residents' room; and

(iv) Has windows that have an unobstructed and viewable height accessible by wheelchair.

(d) If a facility does not provide an outdoor area located on the floor on which the resident resides in compliance with subsection (b)(i) of this section, a facility must put in place and maintain a written policy and procedure that documents how the facility provides residents with access to an outdoor area on a floor other than the floor on which the resident resides. Upon request the facility shall present that plan to the department for review. Such a plan must include:

(i) The location of the outdoor space;

(ii) A description of any assistance necessary for the resident to reach the outdoor space at any time, and documented in the negotiated service agreement plan per WAC 388-78A-2140(2);

(iii) The facility's plan for providing any necessary staff assistance described in subsection (d)(ii) of this section; and

(iv) A plan to maintain safety and security to prevent wandering or exit seeking while the resident is using the outdoor space.

(e) The required outdoor area must be accessible to residents without staff assistance except where pursuant to a facility policy, and consistent with WAC 388-78A-2600, the facility administrator or other appropriate staff will monitor or temporarily restrict access if staff reasonably believe that the health, safety, or well-being of a resident or residents may be at risk, including, but not limited to, instances of:

(i) Inclement weather;

(ii) Dangerous construction or maintenance activities; or

(iii) Other temporary environmental factors that create an unsafe environment.

(f) Facilities licensed prior to date of implementation of this rule that have an outdoor area on each floor, may not eliminate the required outdoor space.

(g) The department may grant an exemption to an assisted living facility applying for certification of memory care when:

(i) The facility was licensed between February 1, 2020, and July 1, 2025:

(A) To the requirement of an outdoor area located on the floor on which the resident resides in compliance with subsection (b)(i) of this section; and

(B) If the exemption is granted the facility must maintain an alternative viewing area meeting subsection (c)(i) through (iv) of this section and must comply with subsection (d)(i) through (iv) of this section.

(ii) The facility was licensed prior to January 31, 2020:

(A) The requirement of an outdoor area located on the same floor which the resident resides in compliance with subsection (b)(i) and an alternative viewing area in compliance with subsection (c)(i) through (iv); and

(B) If the exemption is granted the facility must comply with subsection (d)(i) through (iv) of this section.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2381, filed 7/15/26, effective 8/15/26. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2381, filed 12/31/19, effective 1/31/20.]

WAC 388-78A-2383 Certified memory care. (1) After July 1, 2026, an assisted living facility may not operate as a memory care facility or maintain a memory care unit without becoming certified.

(2) To be certified by the department the assisted living facility must:

(a) Have a valid, current, license to operate an assisted living facility as required under RCW 18.20.030;

(b) Apply for certification and submit the initial certification fee as required by WAC 388-78A-2750;

(c) Not have a pattern of uncorrected or recurring significant enforcement remedies prior to the date of application. Evidence of significant enforcement may include:

(i) Citations issued in areas of resident harm or serious risk of harm, or actions or inactions resulting in serious disregard for resident health, safety, or deterioration of quality of care; or

(ii) Civil fines based on the department's determination of moderate to severe violations as defined in WAC 388-78A-3183;

(d) Not have a stop placement or conditions on a license related to resident care, or license revocation actions prior to the date of application for certification;

(e) Have permanent infrastructure considering the specialized needs of residents with dementia in WAC 388-78A-2381 including elements to restrict egress and meet daily activity requirements in WAC 388-78A-2180;

(f) Have a staffing plan that maintains 24-hour awake caregivers at a level adequate to respond to each resident's accessed needs, including waking and sleeping patterns and routine assistance with eating;

(g) Have a staffing plan, if applicable, when residents live in separate buildings or cottages that maintains at least one awake caregiver physically present in each building or cottage 24-hours per day; and

(h) Have policies and procedures outlining how staff respond to and manage residents who wander, actions to take when a resident is missing, and how and when consultive services will be obtained and utilized for residents experiencing behavioral challenges.

(3) The department at its sole discretion, on a case-by-case basis, after taking into consideration information on the certification application of the assisted living facility licensed before July 1, 2026, may grant conditional exemptions to prevent disruption of services or displacement of residents.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2383, filed 7/15/26, effective 8/15/26.]

WAC 388-78A-2384 Certification memory care—Implementation. (1) For the purpose of certification implementation for an assisted living facility with a current license issued on or before July 1, 2026, and operating a memory care facility or memory care unit as defined in WAC 388-78A-2020 the department may:

(a) Grant certification, deeming the licensee compliant from the application submission date to the effective date of certification, while the department processes the application, when the application is submitted to the department by July 1, 2026: and

(b) Work with the licensee during the application process up to 120 calendar days to:

(i) Obtain information for an incomplete certification application from the licensee;

(ii) Complete the conditional exemption process, if applicable.

(2) If the department determines during the review process the licensee does not meet the certification requirements, the licensee may request a conditional exemption by submitting a written request to the department that includes:

(a) A description of the requested conditional exemption;

(b) The specific rule for which the exemption is sought;

(c) A description of what the assisted living facility has in place to meet the certification requirements at the time of application; and

(d) A detailed plan and timeline to meet the certification requirements, when applicable, to the exemption request.

(3) If the assisted living facility is granted a conditional exemption for certification a copy of the exemption must be retained in the facility.

(4) If the department determines a licensee will not be certified, or denies a request for conditional exemption, the assisted living facility may not appeal the department's denial.

(5) During the time of application review for certification and the department's decision to grant or deny a certification, the assisted living facility will not be subject to citations related to certified memory care requirements, provided the application was submitted by July 1, 2026.

(6) If during the application review the assisted living facility licensee withdraws from the certification process, or the department denies a certification, the assisted living facility must:

(a) Within 30 calendar days provide to residents, and their representatives, if applicable, notice of the withdrawal or denial of the certification application; and

(b) Assist all residents requiring memory care services to transition to a certified memory care facility or memory care unit within 180 calendar days of the date the facility withdrew their application or the department denied the certification.

(7) The assisted living facility will not be subject to citation related to memory care certification requirements for the period of application through resident transition after a withdrawal or denial of certification if the application was submitted by July 1, 2026.

(8) The department may consider an application for certification void when the applicant:

(a) Does not return information to the department within 60 days of the first request for additional information for an incomplete certification application; or

(b) Has not obtained certification within 120 days of the first submission of an application for certification to the department.

(9) When an assisted living facility with a current license, not meeting the definition of a memory care facility or memory care unit in WAC 388-78A-2020 on July 1, 2026, decides to transition to a certified memory care facility or add a memory care unit the facility must:

(a) Meet construction review requirements consistent with WAC 388-78A-2821, when applicable;

(b) Meet construction review requirements consistent with WAC 388-78A-2850, when applicable;

(c) Submit an application for certification;

(d) Request a capacity increase consistent with WAC 388-78A-2800; and

(e) Meet criteria for increased licensed capacity consistent with WAC 388-78A-2810.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2384, filed 7/15/26, effective 8/15/26.]

WAC 388-78A-2385 Certified memory care—Disclosure. (1) An assisted living facility certified as a memory care facility or memory care unit must post in a prominent location in the facility or unit and make available upon request a memory care disclosure to residents, resident representatives, if any, and interested consumers in substantially the following format:

Memory care disclosure required by RCW 18.20.300 (2)(a):

(a) Facility information, including:

(i) Facility name;

(ii) Facility address;

(iii) Facility phone number;

(b) Number of licensed beds in the memory care facility or memory care unit;

(c) Number of awake overnight caregivers and direct care staff available per resident occupied bed;

(i) Caregivers;

(ii) Other direct care staff;

(d) Number of regular direct care staff and caregivers per resident occupied bed during the day and evening hours;

(i) Caregivers;

(ii) Other direct care staff;

(2) The assisted living facility certified as a memory care facility or memory care unit must provide written notice informing the resident and their representative, if any, as defined in RCW 70.129.010, of a significant change in staffing within 30 days of the change and make the notification available for department review.

(3) For the purpose of this section "significant change in staffing" is defined as a reduction in the caregiver or direct care staff workforce in the memory care facility or memory care unit lasting more than five days where the facility or unit only meets basic essential needs such as eating, drinking, toileting, and medications for residents based on staffing. A significant change in staffing does not apply when an adjustment to the memory care facility or memory care unit staffing is based on a fluctuation in resident census.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2385, filed 7/15/26, effective 8/15/26.]

WAC 388-78A-2387 Certified memory care—Evaluation. The department will conduct an on-site certification evaluation during regular licensing activities for an assisted living facility certified as a memory care facility or memory care unit.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2387, filed 7/15/26, effective 8/15/26.]

WAC 388-78A-2389 Certified memory care—Application of consumer protection act. Operation of an assisted living facility memory care facility or memory care unit without a certification are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is unfair or deceptive acts in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2389, filed 7/15/26, effective 8/15/26.]

Resident Records

WAC 388-78A-2390 Resident records. The assisted living facility must maintain adequate records concerning residents to enable the assisted living facility:

(1) To effectively provide the care and services agreed upon with the resident;

(2) To allow the resident to communicate with family, medical providers, and others; and

(3) To respond appropriately in emergency situations, including, but not limited to, contacting the residents' emergency contact.

[Statutory Authority: RCW 18.20.090, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 25-16-099, s 388-78A-2390, filed 8/6/25, effective 9/6/25. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2390, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2390, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2400 Protection of resident records. The assisted living facility must:

(1) Maintain a systematic and secure method of identifying and filing resident records for easy access;

(2) Maintain resident records and preserve their confidentiality in accordance with applicable state and federal statutes and rules, including chapters 70.02 and 70.129 RCW;

(3) Allow authorized representatives of the department and other authorized regulatory agencies access to resident records;

(4) Provide any resident or other individual or organization access to resident records upon written consent of the resident or the resident's representative, unless state or federal law provide for broader access;

(5) Allow authorized agents, such as a management company, to use resident records solely for the purpose of providing care and services to residents and ensure that agents do not disclose such records except in a manner consistent with law; and

(6) Maintain ownership and control of resident records, except that resident records may be transferred to a subsequent person licensed by the department to operate the assisted living facility.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2400, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2400, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2410 Content of resident records. The assisted living facility must organize and maintain resident records in a format that the assisted living facility determines to be useful and functional to enable the effective provision of care and services to each resident. Active resident records must include the following:

(1) Resident identifying information, including resident's:

(a) Name;

(b) Birth date; and

(c) Move-in date.

(2) Current name, address, and telephone number of:

(a) Resident's primary health care provider;

(b) Resident's representative, as defined in WAC 388-78A-2020; and

(c) Relationship to the resident;

(i) Email address, if available; and

(ii) Mailing address, if available;

(d) Individual(s) to contact in case of emergency, illness, or death; and

(e) Family members or others, if any, the resident requests to be involved in the development or delivery of services for the resident.

(3) Resident's written acknowledgment of receipt of:

(a) Required disclosure information prior to moving into the assisted living facility; and

(b) Information required by long-term care resident rights per RCW 70.129.030.

(4) The resident's assessment and reassessment information.

(5) Clinical information such as admission weight, height, blood pressure, temperature, blood sugar, and other laboratory tests required by the negotiated service agreement.

(6) The resident's negotiated service agreement consistent with WAC 388-78A-2140.

(7) Any orders for medications, treatments, and modified or therapeutic diets, including any directions for addressing a resident's refusal of medications, treatments, and prescribed diets.

(8) Medical and nursing services provided by the assisted living facility for a resident, including:

(a) A record of providing medication assistance and medication administration, which contains:

(i) The medication name, dose, and route of administration;

(ii) The time and date of any medication assistance or administration;

(iii) The signature or initials of the person providing any medication assistance or administration; and

(iv) Documentation of a resident choosing to not take their their medications.

(b) A record of any nursing treatments, including the signature or initials of the person providing them.

(9) Documentation consistent with WAC 388-78A-2120 monitoring monitoring resident well-being.

(10) Staff interventions or responses to subsection (9) of this section, including any modifications made to the resident's negotiated service agreement.

(11) Notices of and reasons for relocation as specified in RCW 70.129.110.

(12) The individuals who were notified of a significant change in the resident's condition and the time and date of the notification.

(13) When available, a copy of any legal documents in which:

(a) The resident has appointed another individual to make their their health care, financial, or other decisions;

(b) The resident has created an advance directive or other legal document that establishes a surrogate decision maker in the future or provides directions to health care providers or both or both; and

(c) A court has established guardianship on behalf of the resident.

[(14) The residency agreement for residents with medicaid as a payor.]

[Statutory Authority: RCW 18.20.090, 18.51.070, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 26-05-046, s 388-78A-2410, filed 2/12/26, effective 3/15/26. Statutory Authority: RCW 18.20.090, 70.97.230, 70.128.040, 74.09.520(2), 74.39A.007, 42 C.F.R. 441.530 (a)(1)(vi)(A), and 441.301 (c)(4)(vi)(A). WSR 25-18-037, s 388-78A-2410, filed 8/25/25, effective 1/1/26. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2410, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2410, filed 7/30/04, effective 9/1/04.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 388-78A-2420 Record retention. (1) The assisted living facility must maintain on the assisted living facility premises in a resident's active record(s) all relevant information and documentation necessary for meeting a resident's current assessed needs.

(2) The assisted living facility may remove outdated information from the resident's active records that is no longer significant or relevant to the resident's current assessed service and care needs, and maintain it in an inactive record that must remain on the assisted living facility premises as long as the resident remains in the assisted living facility.

(3) The assisted living facility must maintain all documentation filed in a closed resident record, on the assisted living facility premises for six months after the date the resident leaves the assisted living facility and on the assisted living facility premises or another location for five years after the date the resident leaves the assisted living facility.

(4) All active, inactive, and closed resident records must be available for review by department staff and other authorized persons.

(5) If an assisted living facility ceases to operate as a licensed assisted living facility, the most recent licensee must make arrangements to ensure that the former residents' records are retained according to the times specified in this section and are available for review by department staff and other authorized individuals.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2420, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2420, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2430 Resident review of records. (1) The assisted living facility must assemble all records pertaining to a resident and make them available to a resident within twenty-four hours of the resident's or the resident's representative's request to review the resident's records per RCW 70.129.030.

(2) The assisted living facility must provide to the resident or the resident's representative, photocopies of the records or any portions of the records pertaining to the resident, within two working days of the resident's or resident's representative's request for the records.

(a) For the purposes of this section, "working days" means Monday through Friday, except for legal holidays.

(b) The assisted living facility may charge the resident or the resident's representative a fee not to exceed twenty-five cents per page for the cost of photocopying the resident's record.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2430, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2430, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2440 Resident register, resident roster, and complete contact information. (1) Resident register:

(a) The assisted living facility must regularly maintain in the assisted living facility a single current registry of all assisted living facility residents, their roommates, and identification of the rooms in which such persons reside or sleep, as required under the resident roster in RCW 18.20.095.

(b) The assisted living facility must maintain a readily available permanent, current book, computer file, or record with entries in ink or typewritten, of all individuals who resided in the assisted living facility within the past five years, including:

(i) Move-in date;

(ii) Full name;

(iii) Date of birth;

(iv) Resident room identifier;

(v) Resident phone number, if available;
(vi) Email address, if available;
(viii) Date of moving out;
(ix) Reason for moving out;
(x) Location and address to which the resident was discharged; and
(xi) If the resident has a representative, the resident representative's:
(A) Name;
(B) Relationship to the resident;
(C) Phone number;
(D) Email address if available; and
(E) Mailing address, if available.
(c) Record and update the collection of contact information required by this section upon receipt of new or updated contact information for the resident or resident representative; and
(i) Upon the written request of any long-term care ombuds that includes reference to RCW 18.20.095 and the relevant legal functions and duties of long-term care ombuds; and
(ii) Provide a copy of the aggregated contact information required by this section within 48 hours, or within a reasonable time if agreed to by the requesting long-term care ombuds by electronic copy to the secure email address or facsimile number provided in the written request.
(2) Resident roster: The assisted living facility must:
(a) Create and regularly maintain a current resident roster of all residents in the assisted living facility. The roster must include the resident name and room number;
(b) Immediately provide a written copy of the roster upon an in-person request from any long-term care ombuds; and
(c) Make the current resident roster available to representatives of the Washington state fire marshal when conducting fire safety inspections.
(3) Complete contact information: The assisted living facility must:
(a) Create and regularly maintain current, accurate, and complete contact information for all residents including the following information:
(i) Resident name;
(ii) Resident room number;
(iii) Resident phone number, if available;
(iv) Email address, if available; and
(v) If the resident has a representative, the resident representative's:
(A) Name;
(B) Relationship to the resident;
(C) Phone number;
(D) Email address, if available; and
(E) Mailing address, if available.
(b) Record and update the aggregated contact information required by this section upon receipt of new or updated contact information from the resident or resident representative; and
(c) Upon the written request of any long-term care ombuds that includes reference to RCW 18.20.095 and the relevant legal functions and duties of long-term care ombuds, provide a copy of the aggregated contact information required by this section within 48 hours, or within a reasonable time if agreed to by the requesting long-term care om-

buds by electronic copy to the secure email address or facsimile number provided in the written request.

(4) The assisted living facility must make the information in this section immediately available to authorized department staff.

[Statutory Authority: RCW 18.20.090, 18.51.070, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 26-05-046, s 388-78A-2440, filed 2/12/26, effective 3/15/26. Statutory Authority: RCW 18.20.090, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 25-16-099, s 388-78A-2440, filed 8/6/25, effective 9/6/25. Statutory Authority: Chapter 18.20 RCW. WSR 14-05-035, § 388-78A-2440, filed 2/12/14, effective 3/15/14; WSR 13-13-063, § 388-78A-2440, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2440, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2440, filed 7/30/04, effective 9/1/04.]

ADMINISTRATION

Staff

WAC 388-78A-2450 Staff. (1) Each assisted living facility must provide sufficient, trained staff persons to:

(a) Furnish the services and care needed by each resident consistent with their negotiated service agreement;

(b) Maintain the assisted living facility free of safety hazards; and

(c) Implement fire and disaster plans.

(2) The assisted living facility must:

(a) Develop and maintain written job descriptions for the administrator and each staff position and provide each staff person with a copy of their job description before or upon the start of employment;

(b) Verify staff persons' work references prior to hiring;

(c) Verify prior to hiring that staff persons have the required licenses, certification, registrations, or other credentials for the position, and that such licenses, certifications, registrations, and credentials are current and in good standing;

(d) Document and retain for 12 weeks, weekly staffing schedules, as planned and worked;

(e) Ensure all resident care and services are provided only by staff persons who have the training, credentials, experience, and other qualifications necessary to provide the care and services;

(f) Ensure at least one caregiver, who is 18 years of age or older and has current cardiopulmonary resuscitation and first-aid cards, is present and available to assist residents at all times:

(i) When one or more residents are present on the assisted living facility premises; and

(ii) During assisted living facility activities off of the assisted living facility premises.

(g) Ensure caregiver provides on-site supervision of any resident voluntarily providing services for the assisted living facility;

(h) Provide staff orientation and appropriate training for expected duties when staff begin work in the facility, including, but not limited to:

(i) Organization of the assisted living facility;

(ii) Physical assisted living facility layout;

(iii) Specific duties and responsibilities;

(iv) How to report resident abuse and neglect consistent with chapter 74.34 RCW and assisted living facility policies and procedures;

(v) Policies, procedures, and equipment necessary to perform duties;

(vi) Needs and service preferences identified in the negotiated service agreements of residents with whom the staff persons will be working;

(vii) Resident rights, including without limitation, those specified in chapter 70.129 RCW;

(viii) The facility's comprehensive disaster plan and related on-duty staff procedures; and

(ix) The assisted living facility certified as a memory care facility or memory care unit must train staff on the comprehensive disaster preparedness plan and related on-duty staff procedures, considering the needs of residents with dementia as required in WAC 388-78A-2700.

(i) Develop and implement a process to ensure caregivers:

(i) Acquire the necessary information from the preadmission assessment, on-going assessment, and negotiated service agreement relevant to providing services to each resident with whom the caregiver works;

(ii) Are informed of changes in the negotiated service agreement of each resident with whom the caregiver works; and

(iii) Are given an opportunity to provide information to responsible staff regarding the resident when assessments and negotiated service agreements are updated for each resident with whom the caregiver works.

(j) Ensure all caregivers have access to resident records relevant to effectively providing care and services to the resident.

(3) The assisted living facility certified as a memory care facility or memory care unit must:

(a) Maintain awake caregiving staff 24 hours per day at a level that is adequate to respond to residents' assessed needs, including waking and sleeping patterns;

(b) Maintain, if applicable, in each separate memory care building or memory care cottage at least one awake and physically present caregiving staff 24 hours per day;

(c) Maintain a staffing level to routinely provide:

(i) Cueing for eating and drinking;

(ii) Physical assistance with eating and drinking such as cutting up food, preparing food and beverages, and bringing food and fluids to the resident; and

(iii) Occasional feeding assistance such as cutting up food and assisting the residents to get food and fluids into their mouth.

(4) Nothing in (3)(c)(iii) is intended to require a memory care facility or memory care unit to provide a resident with total feeding assistance for an extended or indefinite amount of time.

(5) The assisted living facility must:

(a) Protect all residents by ensuring any staff person suspected or accused of abuse, neglect, financial exploitation, or abandonment

does not have access to any resident until the assisted living facility investigates and takes action to ensure resident safety;

(b) Not interfere with the investigation of a complaint, coerce a resident or staff person regarding cooperating with a complaint investigation, or conceal or destroy evidence of alleged improprieties occurring within the assisted living facility;

(c) Prohibit staff persons from being directly employed by a resident or a resident's family during the hours the staff person is working for the assisted living facility;

(d) Maintain the following documentation on the assisted living facility premises, during employment, and at least two years following termination of employment:

(i) Staff orientation and training or certification pertinent to duties, including, but not limited to:

(A) Training required by chapter 388-112A WAC;

(B) The assisted living facility certified as a memory care facility or memory care unit must ensure long-term care workers who work directly with memory care residents have at least six hours per year of continuing education related to dementia. The six hours of continuing education related to dementia may be part of the continuing education requirements under chapter 388-112A WAC;

(C) Home care aide certification as required by this chapter and chapter 246-980 WAC;

(D) Cardiopulmonary resuscitation; and

(E) First aid;

(ii) Disclosure statements and background checks as required in WAC 388-78A-2461 through 388-78A-2471; and

(iii) Documentation of contacting work references and professional licensing and certification boards as required by subsection (2) of this section.

(6) The assisted living facility is not required to keep on the assisted living facility premises, staff records that are unrelated to staff performance of duties. Such records include, but are not limited to, pay records, and health and insurance benefits for staff.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2450, filed 7/15/26, effective 8/15/26. Statutory Authority: RCW 18.20.090, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 25-16-099, s 388-78A-2450, filed 8/6/25, effective 9/6/25. Statutory Authority: Chapter 18.20 RCW. WSR 18-20-018, § 388-78A-2450, filed 9/21/18, effective 10/22/18; WSR 13-13-063, § 388-78A-2450, filed 6/18/13, effective 7/19/13. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 10-16-085, § 388-78A-2450, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2450, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2460 Quality assurance committee. (1) To ensure the proper delivery of services and the maintenance and improvement in quality of care through self-review, any assisted living facility licensed under this chapter may maintain a quality assurance committee that, at a minimum, includes:

(a) A licensed registered nurse under chapter 18.79 RCW;

(b) The administrator; and

(c) Three other members from the staff of the assisted living 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 ombuds 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) If the assisted living facility refuses to release records or reports that would otherwise be protected under this section, the department may then request only that information that is necessary to determine whether the assisted living facility has a quality assurance committee and to determine that it is operating in compliance with this section. However, if the assisted living facility offers the department documents generated by, or for, the quality assurance committee as evidence of compliance with assisted living facility requirements, the documents are protected as quality assurance committee documents when in the possession of the department.

(5) Good faith attempts by the committee to identify and correct quality deficiencies shall not be used as a basis for sanctions.

(6) Any records that are created for and collected and maintained by the quality assurance committee shall not be discoverable or admitted into evidence in a civil action brought against an assisted living facility.

(7) 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.

[Statutory Authority: Chapter 18.20 RCW, RCW 18.20.090. WSR 19-14-031, § 388-78A-2460, filed 6/25/19, effective 7/26/19. Statutory Authority: Chapter 18.20 RCW. WSR 14-05-035, § 388-78A-2460, filed 2/12/14, effective 3/15/14; WSR 13-13-063, § 388-78A-2460, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2460, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2461 Background checks—General. (1) Background checks conducted by the department and required in this chapter include:

(a) Washington state name and date of birth background checks; and

(b) After January 7, 2012, a national fingerprint background check in accordance with RCW 74.39A.056.

(2) Nothing in this chapter should be interpreted as requiring the employment of a person against the better judgment of the assisted living facility.

(3) In addition to chapter 18.20 RCW, these rules are authorized by RCW 43.20A.710, RCW 43.43.830 through 43.43.842 and RCW 74.39A.051.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2461, filed 6/18/13, effective 7/19/13; WSR 12-21-070, § 388-78A-2461, filed 10/18/12, effective 11/18/12. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 10-16-085, § 388-78A-2461, filed 7/30/10, effective 1/1/11.]

WAC 388-78A-2462 Background checks—Who is required to have. (1) Applicants for an assisted living facility license, as defined in WAC 388-78A-2740, must have the following background checks before licensure:

(a) A Washington state name and date of birth background check; and

(b) A national fingerprint background check.

(2) The assisted living facility must ensure that the administrator and all caregivers employed directly or by contract after January 7, 2012 have the following background checks:

(a) A Washington state name and date of birth background check; and

(b) A national fingerprint background check.

(3) The assisted living facility must ensure that the following individuals have a Washington state name and date of birth background check:

(a) Volunteers who are not residents, and students who may have unsupervised access to residents;

(b) Staff persons who are not caregivers or administrators;

(c) Managers who do not provide direct care to residents; and

(d) Contractors other than the administrator and caregivers who may have unsupervised access to residents.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2462, filed 6/18/13, effective 7/19/13; WSR 12-21-070, § 388-78A-2462, filed 10/18/12, effective 11/18/12. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 10-16-085, § 388-78A-2462, filed 7/30/10, effective 1/1/11.]

WAC 388-78A-2464 Background checks—Process—Background authorization form. Before the assisted living facility employs, directly or by contract, an administrator, staff person or caregiver, or accepts any volunteer, or student, the home must:

(1) Require the person to complete a DSHS background authorization form; and

(2) Submit to the department's background check central unit, including any additional documentation and information requested by the department.

[Statutory Authority: RCW 74.39A.056, chapter 18.20 RCW. WSR 14-14-031, § 388-78A-2464, filed 6/24/14, effective 7/25/14. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2464, filed

6/18/13, effective 7/19/13; WSR 12-21-070, § 388-78A-2464, filed 10/18/12, effective 11/18/12. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 10-16-085, § 388-78A-2464, filed 7/30/10, effective 1/1/11.]

WAC 388-78A-24641 Background checks—Washington state name and date of birth background check. Unless the individual is eligible for an exception under WAC 388-113-0040, if the results of the Washington state name and date of birth background check indicate the person has a disqualifying criminal conviction or a pending charge for a disqualifying crime under chapter 388-113 WAC, or a disqualifying negative action under WAC 388-78A-2470, then the assisted living facility must:

(1) Not employ, directly or by contract, a caregiver, administrator, or staff person; and

(2) Not allow a volunteer or student to have unsupervised access to residents.

[Statutory Authority: RCW 74.39A.056, chapter 18.20 RCW. WSR 14-14-031, § 388-78A-24641, filed 6/24/14, effective 7/25/14. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-24641, filed 6/18/13, effective 7/19/13; WSR 12-21-070, § 388-78A-24641, filed 10/18/12, effective 11/18/12.]

WAC 388-78A-24642 Background checks—National fingerprint background check. (1) Administrators and all caregivers who are hired after January 7, 2012 and are not disqualified by the Washington state name and date of birth background check, must complete a national fingerprint background check and follow department procedures.

(2) After receiving the results of the national fingerprint background check the assisted living facility must not employ, directly or by contract, an administrator or caregiver who has a disqualifying criminal conviction or pending charge for a disqualifying crime under chapter 388-113 WAC, or that is disqualifying under WAC 388-78A-2470.

(3) The assisted living facility may accept a copy of the national fingerprint background check results letter and any additional information from the department's background check central unit from an individual who previously completed a national fingerprint check through the department's background check central unit, provided the national fingerprint background check was completed after January 7, 2012.

[Statutory Authority: RCW 74.39A.056, chapter 18.20 RCW. WSR 14-14-031, § 388-78A-24642, filed 6/24/14, effective 7/25/14. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-24642, filed 6/18/13, effective 7/19/13; WSR 12-21-070, § 388-78A-24642, filed 10/18/12, effective 11/18/12.]

WAC 388-78A-2465 Background check—Results—Inform. (1) After receiving the results of the Washington state name and date of birth background check, the assisted living facility must:

(a) Inform the person of the results of the background check;

(b) Inform the person that they may request a copy of the results of the background check. If requested, a copy of the background check results must be provided within ten days of the request; and

(c) Notify the department and other appropriate licensing or certification agency of any person resigning or terminated as a result of having a disqualifying criminal conviction or pending charge for a disqualifying crime under chapter 388-113 WAC, or a negative action that is disqualifying under WAC 388-78A-2470.

(2) After receiving the result letter for the national fingerprint background check, the assisted living facility must inform the person:

(a) Of the national fingerprint background check result letter;

(b) That they may request a copy of the national fingerprint check result letter; and

(c) That any additional information requested can only be obtained from the department's background check central unit.

[Statutory Authority: RCW 74.39A.056, chapter 18.20 RCW. WSR 14-14-031, § 388-78A-2465, filed 6/24/14, effective 7/25/14. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2465, filed 6/18/13, effective 7/19/13; WSR 12-21-070, § 388-78A-2465, filed 10/18/12, effective 11/18/12. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 10-16-085, § 388-78A-2465, filed 7/30/10, effective 1/1/11.]

WAC 388-78A-2466 Background checks—Washington state name and date of birth background check—Valid for two years—National fingerprint background check—Valid indefinitely. (1) A Washington state name and date of birth background check is valid for two years from the initial date it is conducted. The assisted living facility must ensure:

(a) A new DSHS background authorization form is submitted to the department's background check central unit every two years for all administrators, caregivers, staff persons, volunteers and students; and

(b) There is a valid Washington state name and date of birth background check for all administrators, caregivers, staff persons, volunteers and students.

(2) A national fingerprint background check is valid for an indefinite period of time. The assisted living facility must ensure there is a valid national fingerprint background check completed for all administrators and caregivers hired after January 7, 2012. To be considered valid, the national fingerprint background check must be initiated and completed through the department's background check central unit after January 7, 2012.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2466, filed 6/18/13, effective 7/19/13; WSR 12-21-070, § 388-78A-2466, filed 10/18/12, effective 11/18/12. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 10-16-085, § 388-78A-2466, filed 7/30/10, effective 1/1/11.]

WAC 388-78A-2467 Background check—Sharing by health care facilities. In accordance with RCW 43.43.832 a health care facility may share Washington state background check results with other health care

facilities under certain circumstances. Results of the national fingerprint checks may not be shared. For the purposes of this section health care facility means a nursing home licensed under chapter 18.51 RCW, an assisted living facility licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

(1) The health care facility may, upon request from another health care facility, share completed Washington state background check results only if:

(a) The health care facility sharing the background check information is reasonably known to be the person's most recent employer;

(b) No more than twelve months has elapsed between the date the individual was last employed at a licensed health care facility and the date of the individual's current employment application;

(c) The background check is no more than two years old; and

(d) The assisted living facility has no reason to believe the individual has a disqualifying criminal conviction or pending charge for a disqualifying crime under chapter 388-113 WAC, a negative action that is disqualifying under WAC 388-78A-2470.

(2) The assisted living facility may also establish, maintain and follow a written agreement with home health, hospice, or home care agencies licensed under chapter 70.127 RCW or nursing pools registered under chapter 18.52C RCW in order to ensure that the agency or pool staff meet the requirements of WAC 388-78A-2470.

[Statutory Authority: RCW 74.39A.056, chapter 18.20 RCW. WSR 14-14-031, § 388-78A-2467, filed 6/24/14, effective 7/25/14. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2467, filed 6/18/13, effective 7/19/13. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 10-16-085, § 388-78A-2467, filed 7/30/10, effective 1/1/11.]

WAC 388-78A-2468 Background checks—Employment—Conditional hire—Pending results of Washington state name and date of birth background check. The assisted living facility may conditionally hire an administrator, caregiver, or staff person directly or by contract, pending the result of the Washington state name and date of birth background check, provided that the assisted living facility:

(1) Submits the background authorization form for the person to the department no later than one business day after he or she starts working;

(2) Requires the person to sign a disclosure statement indicating if he or she has a disqualifying criminal conviction or pending charge for a disqualifying crime under chapter 388-113 WAC, or a negative action that is disqualifying under WAC 388-78A-2470;

(3) Has received three positive references for the person;

(4) Does not allow the person to have unsupervised access to any resident;

(5) Ensures direct supervision of the administrator, all caregivers, and staff persons; and

(6) Ensures that the person is competent, and receives the necessary training to perform assigned tasks and meets the training requirements under chapter 388-112 WAC.

[Statutory Authority: RCW 74.39A.056, chapter 18.20 RCW. WSR 14-14-031, § 388-78A-2468, filed 6/24/14, effective 7/25/14. Statutory

Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2468, filed 6/18/13, effective 7/19/13; WSR 12-21-070, § 388-78A-2468, filed 10/18/12, effective 11/18/12. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 10-16-085, § 388-78A-2468, filed 7/30/10, effective 1/1/11.]

WAC 388-78A-24681 Background checks—Employment—Provisional hire—Pending results of national fingerprint background check. The assisted living facility may provisionally employ a caregiver and an administrator hired after January 7, 2012 for one hundred and twenty-days and allow the caregiver or administrator to have unsupervised access to residents when:

(1) The caregiver or administrator is not disqualified based on the results of the Washington state name and date of birth background check; and

(2) The results of the national fingerprint background check are pending.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-24681, filed 6/18/13, effective 7/19/13; WSR 12-21-070, § 388-78A-24681, filed 10/18/12, effective 11/18/12.]

WAC 388-78A-2469 Background check—Disclosure statement. (1) The assisted living facility must require each administrator, caregiver, staff person, volunteer and student, prior to starting his or her duties, to make disclosures of any crimes or findings consistent with RCW 43.43.834(2). The disclosures must be in writing and signed by the person under penalty of perjury.

(2) The department may require the assisted living facility or any administrator, caregiver, staff person, volunteer or student to complete additional disclosure statements or background authorization forms if the department has reason to believe that a disqualifying criminal conviction or pending charge for a disqualifying crime under chapter 388-113 WAC, or a negative action that is disqualifying under WAC 388-78A-2470 have occurred since completion of the previous disclosure statement or background check.

[Statutory Authority: RCW 74.39A.056, chapter 18.20 RCW. WSR 14-14-031, § 388-78A-2469, filed 6/24/14, effective 7/25/14. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2469, filed 6/18/13, effective 7/19/13; WSR 12-21-070, § 388-78A-2469, filed 10/18/12, effective 11/18/12. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 10-16-085, § 388-78A-2469, filed 7/30/10, effective 1/1/11.]

WAC 388-78A-2470 Background check—Employment-disqualifying information—Disqualifying negative actions. (1) The assisted living facility must not employ an administrator, caregiver, or staff person, to have unsupervised access to residents, as defined in RCW 43.43.830, if the individual has a disqualifying criminal conviction or pending charge for a disqualifying crime under chapter 388-113 WAC, unless the individual is eligible for an exception under WAC 388-113-0040.

(2) The assisted living facility must not employ an administrator, caregiver, or staff person, or allow an administrator, caregiver, or staff person to have unsupervised access to residents, as defined in RCW 43.43.830, if the individual has one or more of the following disqualifying negative actions:

(a) A court has issued a permanent restraining order or order of protection, either active or expired, against the person that was based upon abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult;

(b) The individual is a registered sex offender;

(c) The individual is on a registry based upon a final finding of abuse, neglect or financial exploitation of a vulnerable adult, unless the finding was made by adult protective services prior to October 2003;

(d) A founded finding of abuse or neglect of a child was made against the person, unless the finding was made by child protective services prior to October 1, 1998;

(e) The individual was found in any dependency action to have sexually assaulted or exploited any child or to have physically abused any child;

(f) The individual was found by a court in a domestic relations proceeding under Title 26 RCW, or under any comparable state or federal law, to have sexually abused or exploited any child or to have physically abused any child;

(g) The person has had a contract or license denied, terminated, revoked, or suspended due to abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult; or

(h) The person has relinquished a license or terminated a contract because an agency was taking an action against the individual related to alleged abuse, neglect, financial exploitation or mistreatment of a child or vulnerable adult.

[Statutory Authority: RCW 74.39A.056, chapter 18.20 RCW. WSR 14-14-031, § 388-78A-2470, filed 6/24/14, effective 7/25/14. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2470, filed 6/18/13, effective 7/19/13; WSR 12-21-070, § 388-78A-2470, filed 10/18/12, effective 11/18/12. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 10-16-085, § 388-78A-2470, filed 7/30/10, effective 1/1/11. Statutory Authority: Chapter 18.20 RCW. WSR 10-03-066, § 388-78A-2470, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapters 18.20 and 74.34 RCW. WSR 09-01-052, § 388-78A-2470, filed 12/10/08, effective 1/10/09. Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. WSR 08-05-099, § 388-78A-2470, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2470, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2470, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-24701 Background checks—Employment—Nondisqualifying information. (1) If the background check results show that an employee or prospective employee has a criminal conviction or pending charge for a crime that is not a disqualifying crime under chapter 388-113 WAC, then the assisted living facility must determine whether the person has the character, competence and suitability to work with vulnerable adults in long-term care.

(2) Nothing in this section should be interpreted as requiring the employment of any person against the better judgment of the assisted living facility.

[Statutory Authority: RCW 74.39A.056, chapter 18.20 RCW. WSR 14-14-031, § 388-78A-24701, filed 6/24/14, effective 7/25/14. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-24701, filed 6/18/13, effective 7/19/13; WSR 12-21-070, § 388-78A-24701, filed 10/18/12, effective 11/18/12.]

WAC 388-78A-2471 Background check—Confidentiality—Use restricted—Retention. The assisted living facility must ensure that all disclosure statements, background authorization forms, background check results and related information are:

(1) Maintained on-site in a confidential and secure manner;

(2) Used for employment purposes only;

(3) Not disclosed to anyone except to the individual, authorized state and federal employees, the Washington state patrol auditor, persons or health care facilities authorized by chapter 43.43 RCW; and

(4) Retained and available for department review during the individual's employment or association with a facility and for at least two years after termination of the employment or association.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2471, filed 6/18/13, effective 7/19/13. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 10-16-085, § 388-78A-2471, filed 7/30/10, effective 1/1/11.]

WAC 388-78A-2474 Training and home care aide certification requirements. (1) The assisted living facility must ensure staff persons hired before January 7, 2012 meet training requirements in effect on the date hired, including requirements in chapter 388-112A WAC.

(2) The assisted living facility must ensure all assisted living facility administrators, or their designees, and caregivers hired on or after January 7, 2012 meet the long-term care worker training requirements of chapter 388-112A WAC, including but not limited to:

(a) Orientation and safety;

(b) Basic;

(c) Specialty for dementia, mental illness and/or developmental disabilities when serving residents with any of those primary special needs;

(d) Cardiopulmonary resuscitation and first aid; and

(e) Continuing education.

(3) The assisted living facility must ensure that all staff receive appropriate training and orientation to perform their specific job duties and responsibilities.

(4) The assisted living facility must ensure all persons listed in subsection (2) of this section, obtain the home-care aide certification.

(5) Under RCW 18.88B.041 and chapter 246-980 WAC, certain individuals including registered nurses, licensed practical nurses, certified nursing assistants, or persons who are in an approved certified nursing assistant training program are exempt from long-term care worker basic training requirements. Continuing education requirements

under chapter 388-112A WAC still apply to these individuals, except for registered nurses and licensed practical nurses.

(6) For the purpose of this section, the term "caregiver" has the same meaning as the term "long-term care worker" as defined in RCW 74.39A.009.

[Statutory Authority: Chapter 18.20 RCW. WSR 18-20-018, § 388-78A-2474, filed 9/21/18, effective 10/22/18; WSR 14-05-035, § 388-78A-2474, filed 2/12/14, effective 3/15/14; WSR 13-13-063, § 388-78A-2474, filed 6/18/13, effective 7/19/13; WSR 12-21-070, § 388-78A-2474, filed 10/18/12, effective 11/18/12; WSR 12-01-003, § 388-78A-2474, filed 12/7/11, effective 1/7/12. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 10-16-085, § 388-78A-2474, filed 7/30/10, effective 1/1/11.]

WAC 388-78A-2480 Tuberculosis—Testing—Required. (1) The assisted living facility must develop and implement a system to ensure each staff person is screened for tuberculosis within three days of employment.

(2) For purposes of WAC 388-78A-2481 through 388-78A-2489, "staff person" means any assisted living facility employee or temporary employee of the assisted living facility, excluding volunteers and contractors.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2480, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2480, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 18.20.090. WSR 06-24-073, § 388-78A-2480, filed 12/4/06, effective 1/4/07; WSR 06-01-047, § 388-78A-2480, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2480, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2481 Tuberculosis—Testing method—Required. The assisted living facility 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: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2481, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2481, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2482 Tuberculosis—No testing. The assisted living facility is not required to have a staff person tested for tuberculosis if the staff person has:

(1) A documented history of a previous positive skin test, with ten or more millimeters induration;

(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: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2482, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2482, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2483 Tuberculosis—One test. The assisted living facility is only required to have a staff person take one test if the staff person has any of the following:

(1) A documented history of a negative result from a previous two step skin 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: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2483, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2483, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2484 Tuberculosis—Two step skin testing. Unless the staff person meets the requirement for having no skin testing or only one test, the assisted living facility choosing to do skin testing, must ensure that each staff 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: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2484, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2484, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2485 Tuberculosis—Positive test result. When there is a positive result to tuberculosis skin or blood testing the assisted living facility must:

(1) Ensure that the staff person has a chest X-ray within seven days;

(2) Ensure each resident or staff person with a positive test result is evaluated for signs and symptoms of tuberculosis; and

(3) Follow the recommendation of the resident or staff person's health care provider.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2485, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2485, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2486 Tuberculosis—Negative test result. The assisted living facility may be required by the public health provider or licensing authority to ensure that staff 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 public health provider.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2486, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2486, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2487 Tuberculosis—Declining a skin test. The assisted living facility must ensure that a staff person take the blood test for tuberculosis if they decline the skin test.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2487, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2487, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2488 Tuberculosis—Reporting—Required. The assisted living facility must:

(1) Report any staff person or resident 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 staff person's health care provider including a public health provider;

(3) Institute appropriate infection control measures;

(4) Apply living or work restrictions where residents or staff persons are, or may be, infectious and pose a risk to other residents and staff persons; and

(5) Ensure that staff person's caring for a resident with suspected tuberculosis comply with the WISHA standard for respiratory protection found in chapter 296-842 WAC.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2488, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2488, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2489 Tuberculosis—Test records. The assisted living facility must:

(1) Keep the records of tuberculin test results, reports of X-ray findings, and any physician or public health provider orders in the assisted living facility;

(2) Make the records readily available to the appropriate health provider and licensing agency,

(3) Retain the records for at least two years after the date the staff person either quits or is terminated; and

(4) Provide the staff person a copy of his/her test results.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2489, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2489, filed 1/15/10, effective 2/15/10.]

Specialized Training

WAC 388-78A-2490 Specialized training for developmental disabilities. The assisted living facility must ensure completion of specialized training, consistent with chapter 388-112A WAC, to serve residents with developmental disabilities, whenever at least one of the residents in the assisted living facility has a developmental disability as defined in WAC 388-823-0040, that is the resident's primary special need.

[Statutory Authority: Chapter 18.20 RCW. WSR 18-20-018, § 388-78A-2490, filed 9/21/18, effective 10/22/18; WSR 13-13-063, § 388-78A-2490, filed 6/18/13, effective 7/19/13. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 10-16-085, § 388-78A-2490, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2490, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2490, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2500 Specialized training for mental illness. The assisted living facility must ensure completion of specialized training, consistent with chapter 388-112A WAC, to serve residents with mental illness, whenever at least one of the residents in the assisted living facility has a mental illness that is the resident's primary special need and is a person who has been diagnosed with or treated for an Axis I or Axis II diagnosis, as described in the *Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision*, and:

(1) Who has received the diagnosis or treatment within the previous two years; and

(2) Whose diagnosis was made by, or treatment provided by, one of the following:

(a) A licensed physician;

(b) A mental health professional;

(c) A psychiatric advanced registered nurse practitioner; or

(d) A licensed psychologist.

[Statutory Authority: Chapter 18.20 RCW. WSR 18-20-018, § 388-78A-2500, filed 9/21/18, effective 10/22/18; WSR 13-13-063, § 388-78A-2500, filed 6/18/13, effective 7/19/13. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 10-16-085, § 388-78A-2500, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2500, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2500, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2510 Specialized training for dementia. The assisted living facility must ensure completion of specialized training, consistent with chapter 388-112A WAC, to serve residents with dementia, whenever at least one of the residents in the assisted living facility has a dementia that is the resident's primary special need and

has symptoms consistent with dementia as assessed per WAC 388-78A-2090(7).

[Statutory Authority: Chapter 18.20 RCW. WSR 18-20-018, § 388-78A-2510, filed 9/21/18, effective 10/22/18; WSR 13-13-063, § 388-78A-2510, filed 6/18/13, effective 7/19/13. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 10-16-085, § 388-78A-2510, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2510, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2510, filed 7/30/04, effective 9/1/04.]

Administrator

WAC 388-78A-2520 Administrator qualifications—General. (1) The licensee must appoint an administrator who is:

(a) At least twenty-one years old;

(b) Not a resident of the assisted living facility; and

(c) Qualified to perform the administrator's duties specified in WAC 388-78A-2560.

(2) The licensee must only appoint as an assisted living facility administrator an individual who meets the requirements of at least one of the following sections in WAC 388-78A-2522 through 388-78A-2527.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2520, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2520, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2520, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2520, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2521 Certification of training. As used in WAC 388-78A-2522 through 388-78A-2527, an individual obtains certification of training as follows. The individual has certification of completing a recognized administrator training course that consists of a minimum of twenty-four hours of instruction or equivalent online training, or certification of passing an administrator examination from or endorsed by a department-recognized national accreditation health or personal care organization such as:

(1) The American association of homes and services for the aging;

(2) The American college of health care administrators;

(3) The American health care association;

(4) The assisted living federation of America; or

(5) The national association of board of examiners of long term care administrators.

[Statutory Authority: Chapter 18.20 RCW. WSR 10-03-066, § 388-78A-2521, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2522 Administrator qualifications—Prior to 2004. The individual was actively employed as an assisted living facility administrator and met existing qualifications on September 1, 2004.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2522, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2522, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2523 Administrator qualifications—NH administrator license. The individual holds a current Washington state nursing home administrator license in good standing.

[Statutory Authority: Chapter 18.20 RCW. WSR 10-03-066, § 388-78A-2523, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2524 Administrator qualifications—Certification of training, and three years experience. Prior to assuming duties as a boarding home administrator, the individual has met the following qualifications:

(1) Obtained certification of completing a recognized administrator training as referenced in WAC 388-78A-2521; and

(2) Has three years paid experience:

(a) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, assisted living facility, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or

(b) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, assisted living facility, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2524, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2524, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2525 Administrator qualifications—Associate degree, certification of training, and two years experience. The individual holds an associate degree in a related field of study such as health, social work, or business administration and meets the qualifications listed in either subsection (1), (2) or (3) of this section:

(1) Obtains certification of completing a recognized administrator training course as referenced in WAC 388-78A-2521 within six months of beginning duties as the administrator; or

(2) Has two years paid experience:

(a) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, assisted living facility, or adult family home, or a setting having a contract with a recognized social service agency for

the provision of care to vulnerable adults, such as supported living; and/or

(b) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, assisted living facility, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; or

(3) Has completed a qualifying administrator training program supervised by a qualified administrator according to WAC 388-78A-2530.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2525, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2525, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2526 Administrator qualifications—Bachelor's degree, certification of training, and one year experience. The individual holds a bachelor's degree in a related field of study such as health, social work, or business administration and meets the qualifications listed in either subsection (1), (2) or (3) of this section.

(1) Obtains certification of completing a recognized administrator training course and referenced in WAC 388-78A-2521 within six months of beginning duties as the administrator; or

(2) Has one year paid experience:

(a) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, assisted living facility, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or

(b) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, assisted living facility, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; or

(3) Has completed a qualifying administrator training program supervised by a qualified administrator according to WAC 388-78A-2530.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2526, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2526, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2527 Administrator qualifications—Five years experience. Before assuming duties as an administrator, the individual has five years of paid experience:

(1) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, assisted living facility, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or

(2) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable

adults, such as a nursing home, assisted living facility, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2527, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2527, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2530 Qualifying administrator training program. Before the licensee appoints an individual who must have completed a qualifying administrator training program in order to qualify as an assisted living facility administrator, the licensee must verify the individual has completed the training and obtain documentation from the individual that the training program met the following requirements:

(1) The department was notified of the beginning date of the administrator training program;

(2) The administrator training program was at least six months in duration following notification of the department;

(3) Only training, supervision, and experience occurring following notification of the department were credited to the qualifying training;

(4) The supervising administrator met the qualifications to be an administrator specified in WAC 388-78A-2520;

(5) The trainee was a full-time employee of an assisted living facility and spent at least forty percent of his/her time for six months of the training program performing administrative duties customarily assigned to assisted living facility administrators or included in the job description of the administrator for the assisted living facility in which the training occurred;

(6) The supervising administrator was present on-site at the assisted living facility during the time the trainee performed administrator duties;

(7) The supervising administrator spent a minimum of one hundred direct contact hours with the trainee during the six months supervising and consulting with the trainee;

(8) Both the trainee and supervising administrator signed documentation of the trainee's qualifying experience and the supervising administrator's performance of required oversight duties; and

(9) The individual completing the qualifying administrator training program maintains the documentation of completing the program.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2530, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2530, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2540 Administrator requirements. The licensee must ensure the assisted living facility administrator:

(1) Meets the training requirements under chapter 388-112A WAC; and

(2) Knows and understands how to apply Washington state statutes and administrative rules related to the operation of an assisted living facility; and

(3) Meets the administrator qualification requirements referenced in WAC 388-78A-2520 through 388-78A-2527.

[Statutory Authority: Chapter 18.20 RCW. WSR 18-20-018, § 388-78A-2540, filed 9/21/18, effective 10/22/18; WSR 13-13-063, § 388-78A-2540, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2540, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2540, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2550 Administrator training documentation. The assisted living facility must maintain for department review, documentation of the administrator completing:

(1) Training required by chapter 388-112A WAC;

(2) Department training in an overview of Washington state statutes and administrative rules related to the operation of an assisted living facility;

(3) As applicable, certification from a department-recognized national accreditation health or personal care organization; and

(4) As applicable, the qualifying administrator-training program.

[Statutory Authority: Chapter 18.20 RCW. WSR 18-20-018, § 388-78A-2550, filed 9/21/18, effective 10/22/18; WSR 13-13-063, § 388-78A-2550, filed 6/18/13, effective 7/19/13. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 10-16-085, § 388-78A-2550, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2550, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2560 Administrator responsibilities. The licensee must ensure the administrator:

(1) Directs and supervises the overall twenty-four-hour-per-day operation of the assisted living facility;

(2) Ensures residents receive adequate care and services that meet the standards of this chapter;

(3) Is readily accessible to meet with residents;

(4) Complies with the assisted living facility's policies;

(5) When the administrator is not available on the premises, either:

(a) Is available by telephone or electronic pager; or

(b) Designates a person approved by the licensee to act in place of the administrator. The designee must be:

(i) Qualified by experience to assume designated duties; and

(ii) Authorized to make necessary decisions and direct operations of the assisted living facility during the administrator's absence.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2560, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2560, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2570 Notification of change in administrator. The licensee must notify the department in writing within ten calendar days of the effective date of a change in the assisted living facility

administrator. The notice must include the full name of the new administrator and the effective date of the change.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2570, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2570, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2580 Use of home health/home care. If an assisted living facility licensee also has a home health or home care license, the licensee may not provide care or services to nonresident individuals living in independent living units on the assisted living facility premises under the home health or home care license if:

(1) The licensee assumes general responsibility for the safety and well-being of the individual;

(2) The individual requiring such services is not able to receive them in his or her own home and is required to move to another room as a condition for receiving such services;

(3) The individual receiving such services is required to receive them from the licensee as a condition for residing in the building, and is not free to receive such services from any appropriately licensed provider of his or her choice; or

(4) The licensee provides other care or services to the individual that falls under the jurisdiction of assisted living facility licensing and this chapter.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2580, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2580, filed 7/30/04, effective 9/1/04.]

Management Agreements

WAC 388-78A-2590 Management agreements—General. (1) If the proposed or current licensee uses a manager, the licensee must have a written management agreement that is consistent with this chapter.

(2) The proposed or current licensee must notify the department of its use of a manager upon:

(a) Initial application for a license;

(b) Retention of a manager following initial application;

(c) Change of managers; and

(d) Modification of existing management agreement.

(3) The proposed or current licensee must provide to the department a written management agreement, including an organizational chart showing the relationship between the proposed or current licensee, management company, and all related organizations.

(4) The written management agreement must be submitted:

(a) Sixty days before:

(i) The initial licensure date;

(ii) The proposed change of ownership 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.

(5) The proposed licensee or the current licensee must notify the resident and their representatives sixty days before entering into a new management agreement.

(6) A proposed licensee must submit a management agreement attestation form, as required by the assisted living facility application.

[Statutory Authority: Chapter 18.20 RCW. WSR 18-08-032, § 388-78A-2590, filed 3/27/18, effective 4/27/18; WSR 10-03-066, § 388-78A-2590, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2590, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2592 Management agreements—Licensee. (1) The licensee is responsible for:

(a) The daily operations and provisions of services in the assisted living facility, as required by WAC 388-78A-2730 (1)(a);

(b) Ensuring the assisted living facility is operated in a manner consistent with all laws and rules applicable to assisted living facilities, as required by WAC 388-78A-2730 (1)(b);

(c) Ensuring the manager acts in conformance with the management agreement; and

(d) Ensuring the manager does not represent itself as, or give the appearance that it is the licensee.

(2) The licensee must not give the manager responsibilities that are so extensive that the licensee is relieved of daily responsibility for the daily operations and provision of services in the assisted living facility. If the licensee does so, then the department must determine that a change of ownership has occurred.

(3) The licensee and manager must act in accordance with the terms of the management agreements. If the department determines they are not, then the department may impose enforcement remedies.

(4) The licensee may enter into a management agreement only if the management agreement creates a principal/agent relationship between the licensee and manager.

[Statutory Authority: Chapter 18.20 RCW. WSR 18-08-032, § 388-78A-2592, filed 3/27/18, effective 4/27/18; WSR 13-13-063, § 388-78A-2592, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2592, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2593 Management agreements—Terms of agreement. Management agreements, at a minimum must:

(1) Describe the responsibilities of the licensee and manager, including items, services, and activities to be provided;

(2) Require the licensee's governing body, board of directors, or similar authority to appoint the facility administrator;

(3) Provide for the maintenance and retention of all records in accordance with this chapter and other applicable laws;

(4) Allow unlimited access by the department to documentation and records according to applicable laws or regulations;

(5) Require the manager to immediately send copies of inspections and notices of noncompliance to the licensee;

(6) State that the licensee is responsible for reviewing, acknowledging and signing all assisted living facility initial and renewal license applications;

(7) State that the manager and licensee will review the management agreement annually and notify the department of any change according to applicable regulations;

(8) Acknowledge that the licensee is the party responsible for complying with all laws and rules applicable to assisted living facilities;

(9) Require the licensee to maintain ultimate responsibility over personnel issues relating to the operation of the assisted living facility and care of the residents, including but not limited to, staffing plans, orientation and training;

(10) State the manager will not represent itself, or give the appearance it is the licensee; and

(11) State that a duly authorized manager may execute resident leases or agreements on behalf of the licensee, but all such resident leases or agreements must be between the licensee and the resident.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2593, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2593, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2594 Management agreements—Department review. The department may review a management agreement at any time. Following the review, the department may require:

(1) The proposed or current licensee or manager to provide additional information or clarification;

(2) Any changes necessary to:

(a) Bring the management agreement into compliance with this chapter; and

(b) Ensure that the licensee has not been relieved of the responsibility for the daily operations of the facility.

(3) The licensee to participate in monthly meetings and quarterly on-site visits to the assisted living facility.

[Statutory Authority: Chapter 18.20 RCW. WSR 18-08-032, § 388-78A-2594, filed 3/27/18, effective 4/27/18; WSR 13-13-063, § 388-78A-2594, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2594, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2595 Management agreements—Resident funds. (1) If the management agreement delegates day-to-day management of resident funds to the manager, the licensee:

(a) Retains all fiduciary and custodial responsibility for funds that have been deposited with the assisted living facility by the resident;

(b) Is directly accountable to the residents for such funds; and

(c) Must ensure any party responsible for holding or managing residents' personal funds is bonded or obtains insurance in sufficient amounts to specifically cover losses of resident funds; and provides proof of bond or insurance.

(2) If responsibilities for the day-to-day management of the resident funds are delegated to the manager, the manager must:

(a) Provide the licensee with a monthly accounting of the resident funds; and

(b) Meet all legal requirements related to holding, and accounting for, resident funds.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2595, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2595, filed 1/15/10, effective 2/15/10.]

Policies and Procedures

WAC 388-78A-2600 Policies and procedures. (1) The assisted living facility must develop and implement policies and procedures in support of services that are provided and are necessary to:

(a) Maintain or enhance the quality of life for residents including resident decision-making rights;

(b) Provide the necessary care and services for residents, including those with special needs;

(c) Safely operate the assisted living facility; and

(d) Operate in compliance with state and federal law, including, but not limited to, chapters 7.70, 69.41, 70.122, 70.129, and 74.34 RCW, and any rules promulgated under these statutes.

(2) The assisted living facility must develop, implement, and train staff persons on policies and procedures to address what staff persons must do:

(a) Related to suspected abandonment, abuse, neglect, exploitation, or financial exploitation of any resident;

(b) When there is reason to believe a resident is not capable of making necessary decisions and no substitute decision maker is available;

(c) When a substitute decision maker is no longer appropriate;

(d) When a resident stops breathing or a resident's heart appears to stop beating, including, but not limited to, any action staff persons must take related to advance directives and emergency care;

(e) When a resident does not have a personal physician or health care provider;

(f) In response to medical emergencies;

(g) When there are urgent situations in the assisted living facility requiring additional staff support;

(h) In the event of an internal or external disaster, consistent with WAC 388-78A-2700;

(i) To supervise and monitor residents, including accounting for residents who leave the premises;

(j) To appropriately respond to aggressive or assaultive residents, including, but not limited to:

(i) Actions to take if a resident becomes violent;

(ii) Actions to take to protect other residents; and

(iii) When and how to seek outside intervention.

(k) To prevent and limit the spread of infections consistent with WAC 388-78A-2610;

(l) To manage residents' medications, consistent with WAC 388-78A-2210 through 388-78A-2290; sending medications with a resident when the resident leaves the premises;

(m) When services related to medications and treatments are provided under the delegation of a registered nurse consistent with chapter 246-840 WAC;

(n) Related to food services consistent with chapter 246-215 WAC and WAC 388-78A-2300;

(o) Regarding the safe operation of any assisted living facility vehicles used to transport residents, and the qualifications of the drivers;

(p) To coordinate services and share resident information with outside resources, consistent with WAC 388-78A-2350;

(q) To coordinate with state and local agencies and ombuds;

(r) Regarding the management of pets in the assisted living facility, if permitted, consistent with WAC 388-78A-2620;

(s) When receiving and responding to resident grievances consistent with RCW 70.129.060; and

(t) Related to providing respite care services consistent with RCW 18.20.350, if respite care is offered.

(3) For an assisted living facility certified as a memory care facility or memory care unit, the facility must develop, implement, and train staff persons on policies and procedures to address what a staff person must do:

(a) To respond to and manage residents who wander;

(b) When a resident is missing; and

(c) To utilize consultative services, when needed, for residents with behavioral challenges. This policy will identify at a minimum:

(i) A relevant professional, including but not limited to, a clinical psychologist, psychiatrist, psychiatric nurse practitioner, or a specialist with demonstrated experience working with individuals with cognitive disorders;

(ii) When the consultation will be utilized; and

(iii) How the consultation will be utilized.

(4) The assisted living facility must make the policies and procedures specified in subsection (2) and (3) of this section available to staff persons at all times and must inform residents and residents' representatives of their availability and make them available upon request.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2600, filed 7/15/26, effective 8/15/26. Statutory Authority: RCW 18.20.090, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 25-16-099, s 388-78A-2600, filed 8/6/25, effective 9/6/25. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2600, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090, 2008 c 146, and chapter 18.20 RCW. WSR 09-01-079, § 388-78A-2600, filed 12/15/08, effective 1/15/09. Statutory Authority: RCW 18.20.090 and chapters 18.20 and 74.34 RCW. WSR 08-05-099, § 388-78A-2600, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2600, filed 7/30/04, effective 9/1/04.]

Infection Control

WAC 388-78A-2610 Infection control. (1) The assisted living facility must institute appropriate infection control practices in the

assisted living facility to prevent and limit the spread of infections.

(2) The assisted living facility must:

(a) Develop and implement a system to identify and manage infections;

(b) Restrict a staff person's contact with residents when the staff person has a known communicable disease in the infectious stage that is likely to be spread in the assisted living facility setting or by casual contact;

(c) Maintain and provide staff persons with the necessary training, supplies, equipment, and personal protective equipment for preventing and controlling the spread of infections by:

(i) Maintaining a list of vendors and suppliers; and

(ii) Ordering supplies when necessary.

(d) Provide all resident care and services according to current acceptable standards for infection control;

(e) Perform all housekeeping, cleaning, laundry, and management of infectious waste according to current acceptable standards for infection control; and

(f) Report communicable diseases in accordance with the requirements in chapter 246-100 WAC.

[Statutory Authority: RCW 18.20.090, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 25-16-099, s 388-78A-2610, filed 8/6/25, effective 9/6/25. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2610, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2610, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2620 Pets. If an assisted living facility allows pets to live on the premises, the assisted living facility must:

(1) Develop, implement and disclose to potential and current residents, policies regarding:

(a) The types of pets that are permitted in the assisted living facility; and

(b) The conditions under which pets may be in the assisted living facility.

(2) Ensure animals living on the assisted living facility premises:

(a) Have regular examinations and immunizations, appropriate for the species, by a veterinarian licensed in Washington state;

(b) Are certified by a veterinarian to be free of diseases transmittable to humans;

(c) Are restricted from central food preparation areas.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2620, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2620, filed 7/30/04, effective 9/1/04.]

Reporting Requirements

WAC 388-78A-2630 Reporting abuse and neglect. (1) The assisted living facility must ensure that each staff person:

(a) Makes a report to the department's complaint resolution unit hotline or complete an online report consistent with chapter 74.34 RCW in all cases where the staff person has reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred; and

(b) Makes an immediate report to the appropriate law enforcement agency and the department consistent with chapter 74.34 RCW of all incidents of suspected sexual abuse or physical abuse of a resident.

(2) The assisted living facility must prominently post so it is readily visible to staff, residents and visitors, the department's toll-free telephone number for reporting resident abuse and neglect.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2630, filed 7/15/26, effective 8/15/26. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2630, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2630, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2640 Reporting significant change in a resident's condition. (1) The assisted living facility must consult with the resident's representative, the resident's physician, and other individual(s) designated by the resident as soon as possible whenever:

(a) There is a significant change in the resident's condition;

(b) The resident is relocated to a hospital or other health care facility; or

(c) The resident dies.

(2) The assisted living facility must notify any agency responsible for paying for the resident's care and services as soon as possible whenever:

(a) The resident is relocated to a hospital or other health care facility; or

(b) The resident dies.

(3) Whenever the conditions in subsection (1) or (2) of this section occur, the assisted living facility must document in the resident's records:

(a) The date and time each individual was contacted; and

(b) The individual's relationship to the resident.

(4) In case of a resident's death, the assisted living facility must notify the coroner if required by RCW 68.50.010.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2640, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2640, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2650 Reporting fires and incidents. The assisted living facility must immediately report to the department's complaint resolution unit hotline or complete an online report for:

(1) Any accidental or unintended fire, or any deliberately set but improper fire, such as arson, in the assisted living facility;

(2) Any unusual incident that required implementation of the assisted living facility's disaster plan, including any evacuation of all or part of the residents to another area of the assisted living facility or to another address; and

(3) Circumstances which threaten the assisted living facility's ability to ensure continuation of services to residents.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2650, filed 7/15/26, effective 8/15/26. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2650, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2650, filed 7/30/04, effective 9/1/04.]

Residency Agreement—Residents with Medicaid

WAC 388-78A-2651 Written residency agreement—Residents with medicaid as a payor. (1) For the purposes of this section "residency agreement" means a legally enforceable written document prepared by the assisted living facility that contains the rights and responsibilities of the facility and the resident specific to transfer and discharge and is signed by both parties.

(2) For residents with medicaid as a payor the facility must complete a signed written residency agreement with each resident that:

(a) Is signed by the resident or their legal representative and the facility upon admission of the resident to the facility;

(b) Requires the facility to agree to comply with the long-term care residents rights statute transfer and discharge requirements pursuant to RCW 70.129; and

(c) Requires the facility to provide notice to residents before transfer and discharge that includes information about available legal resources, and notice that, subject to legislative appropriation, residents have the right to legal counsel at public expense upon notice of transfer or discharge.

(3) For residents whose payor status changes from medicaid to private pay, a new residency agreement is required if the resident's payor status returns to medicaid.

(4) A copy of the residency agreement that is signed and dated by both parties must be:

(a) Kept in the resident record; and

(b) Provided to the resident or their representative.

(5) The residency agreement must be in substantially the following form:

Residency agreement—residents with medicaid as a payor.

(a) [facility name] agrees to comply with the long-term care residents rights statute transfer and discharge requirements pursuant to RCW 70.129.

(b) Subject to legislative appropriation [resident name] has a right to a free lawyer to help them in response to a notice of transfer or discharge. If they want a free lawyer to help them, they must call the long-term care discharge defense screening line at (888) 437-0017.

(c) [Signature of resident/legal representative and date].

(d) [Signature of facility and date].

[Statutory Authority: RCW 18.20.090, 70.97.230, and 70.128.040. WSR 26-08-074, s 388-78A-2651, filed 3/30/26, effective 4/30/26. Statutory Authority: RCW 18.20.090, 70.97.230, 70.128.040, 74.09.520(2),

74.39A.007, 42 C.F.R. 441.530 (a)(1)(vi)(A), and 441.301 (c)(4)(vi)(A). WSR 25-18-037, s 388-78A-2651, filed 8/25/25, effective 1/1/26.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

Resident Rights

WAC 388-78A-2660 Resident rights. The assisted living facility must:

(1) Comply with chapter 70.129 RCW, Long-term care resident rights;

(2) Ensure all staff persons provide care and services to each resident consistent with chapter 70.129 RCW;

(3) Not use restraints on any resident;

(4) Promote and protect the residents' exercise of all rights granted under chapter 70.129 RCW;

(5) Provide care and services to each resident in compliance with applicable state statutes related to substitute health care decision making, including chapters 7.70 and 70.122 RCW;

(6) Reasonably accommodate residents consistent with applicable state and federal law;

(7) Not allow any staff person to abuse or neglect any resident; and

(8) In circumstances in which limitations must be placed on resident visitation due to a public health emergency or other threat to the health and safety of the residents and staff of a facility or nursing home, residents must still be allowed access to an essential support person, subject to reasonable limitations on such access tailored to protecting the health and safety of essential support persons, residents, and staff, as defined in WAC 388-78A-2020.

[Statutory Authority: RCW 18.20.090, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 25-16-099, s 388-78A-2660, filed 8/6/25, effective 9/6/25. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2660, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2660, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2660, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2661 Resident rights—Transfer and discharge notice—Residents with medicaid as a payor. For residents with medicaid as a payor, in addition to the requirements in WAC 388-78A-2660, the assisted living facility must do the following when issuing a written notice of transfer or discharge:

(1) Include in the notice contact information provided by the department for the legal services agencies assigned to provide legal counsel;

(2) Clearly state in the notice that, subject to legislative appropriation, legal counsel at public expense is available to represent the resident's interests in the transfer or discharge process. This language must be substantially in the following form: "Subject to legislative appropriation you have a right to a free lawyer to help you

respond to a notice of transfer or discharge. If you want a free lawyer to help you, please call the long-term care discharge defense screening line at (888) 437-0017.";

(3) Within three calendar days of issuing the notice, provide a copy of the notice to the resident's assigned department case manager;

(4) Within three calendar days of issuing the notice, provide a copy of the notice to the Washington state long-term care ombudsman program; and

(5) Issue the transfer and discharge notice in substantially the following form:

Notice of transfer or discharge—residents with medicaid as a payor:

(a) Resident information;

(i) Resident name;

(ii) Resident address;

(b) Facility information;

(i) Facility name;

(ii) Facility address;

(iii) Contact person's name;

(c) Date notice given;

(d) Effective date: Effective date must be at least 30 days from the date notice is given unless an exception applies according to RCW 70.129.110;

(e) Location to where resident is transferred or discharged:

(i) Name;

(ii) Address;

(iii) Phone;

(f) Reason for transfer or discharge: The specific reason for the transfer or discharge must be one or more of the reasons in (i)-(v) of this subsection:

(i) Transfer or discharge is necessary for the resident's welfare and the residents' needs cannot be met in the facility;

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

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

(iv) The resident has failed to make the required payment for their stay;

(v) The facility ceases to operate.

(g) Copy of notice given within three days to:

(i) Department case manager;

(ii) Washington state long-term care ombudsman program;

(h) Your rights and resources;

(i) Legal counsel: Subject to legislative appropriation, you have a right to a free lawyer to help you respond to a notice of transfer or discharge. If you want a free lawyer to help you, please call the long-term care discharge defense screening line at (888) 437-0017.

(ii) Washington state ombuds: For assistance and information about this notice contact your long-term care ombuds toll free at 1-800-562-6028 or by email at ltcop@mschelps.org. The Washington long-term care ombudsman program is located at 1200 South 336th St, Federal Way, WA 98003. You can find your local ombuds person on the Washington state long-term care ombudsman program website at www.waombuds.org, under "Find an Ombuds".

(iii) Disability rights Washington: If you have a diagnosis of a mental illness or an intellectual disability, you may contact disability rights Washington 1-800-562-2702 or (206) 324-1521. You may also

make your request in writing by fax at (206) 957-0729, email at info@dr-wa.org or mail at disability rights Washington, 315 5th Ave S, Suite 850, Seattle WA, 98104.

(iv) DSHS home and community living administration (HCLA): You have the right to make a complaint to the complaint resolution unit (CRU/complaint hotline) 1-800-562-6078.

[Statutory Authority: RCW 18.20.090, 70.97.230, and 70.128.040. WSR 26-08-074, s 388-78A-2661, filed 3/30/26, effective 4/30/26. Statutory Authority: RCW 18.20.090, 70.97.230, 70.128.040, 74.09.520(2), 74.39A.007, 42 C.F.R. 441.530 (a)(1)(vi)(A), and 441.301 (c)(4)(vi)(A). WSR 25-18-037, s 388-78A-2661, filed 8/25/25, effective 1/1/26.]

WAC 388-78A-2665 Resident rights—Notice—Policy on accepting medicaid as a payment source. The assisted living facility must fully disclose the facility's policy on accepting medicaid payments. The policy must:

(1) Clearly state the circumstances under which the assisted living facility provides care for medicaid eligible residents and for residents who become eligible for medicaid after admission;

(2) Be provided both orally and in writing in a language that the resident understands;

(3) Be provided to prospective residents, before they are admitted to the home;

(4) Be provided to any current residents who were admitted before this requirement took effect or who did not receive copies prior to admission;

(5) Be written on a page that is separate from other documents and be written in a type font that is at least fourteen point; and

(6) Be signed and dated by the resident and be kept in the resident record after signature.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2665, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2665, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2670 Services by resident for assisted living facility. If a resident performs services for the assisted living facility, the assisted living facility must ensure:

(1) The resident freely volunteers to perform the services without coercion or pressure from staff persons;

(2) The resident performing services does not supervise, or is not placed in charge of, other residents; and

(3) If the resident regularly performs voluntary services for the benefit of the assisted living facility, the volunteer activity is addressed in the resident's negotiated service agreement.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2670, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2670, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2680 Electronic monitoring equipment—Audio monitoring and video monitoring. (1) Except as provided in this section or in WAC 388-78A-2690, the assisted living facility 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 assisted living facility 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, exits, and elevators 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 accessible to both residents and the public, such as, but not limited to, parking lots, provided that the purpose of such monitoring is to prevent theft, property damage, or other crime on the premises.

(d) Outdoor areas not commonly used by residents, such as, but not limited to, delivery areas, emergency exits, or exits from a secured outdoor space for memory care;

(e) Resident fitness centers and pool areas; and

(f) 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.

(3) The assisted living facility may only video record community activities in the facility or on the premises with the audio component when the following are met:

(a) A resident requests an activity be recorded;

(b) A sign is posted at the entry to the activity area in which the event occurs and at the time of the event, to notify residents of the video, audio recording, or both; and

(c) The facility notifies all residents in writing for each use of video and audio monitoring equipment, providing that the residents' likeness will not be used in promotional materials without their written consent.

(4) The presence of cameras must not alter the obligation of the assisted living facility to provide appropriate in-person assistance and monitoring due to individual physical or cognitive limitations.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2680, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2680, filed 6/18/13, effective 7/19/13. Statutory Authority: Chapters 18.20 and 74.34 RCW. WSR 09-01-052, § 388-78A-2680, filed 12/10/08, effective 1/10/09. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2680, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2690 Electronic monitoring equipment—Resident requested use. (1) Audio or video monitoring equipment may not be installed in the assisted living facility to monitor any resident apartment or sleeping area unless the resident or the residents' representative has requested and consents to the monitoring.

(2) Electronic monitoring equipment must be installed in a manner that is safe for residents.

(3) A facility must not refuse to admit an individual, or discharge a resident, because of a request to conduct authorized electronic monitoring.

(4) A resident may limit his or her consent for use of electronic monitoring devices to specific times or situation, pointing the camera in a particular direction, or prohibiting the use of certain devices.

(5) The release of audio or video monitoring recordings by the facility is prohibited. Each person or organization with access to the electronic monitoring must be identified in the resident's negotiated service agreement.

(6) If the resident requests the assisted living facility to conduct audio or video monitoring of his or her apartment or sleeping area, before any electronic monitoring occurs, the assisted living facility must ensure:

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

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

(c) The resident and the assisted living facility have agreed upon a specific duration for the electronic monitoring and the agreement is documented in writing.

(7) The assisted living facility must:

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

(b) Have each reevaluation in writing, signed and dated by the resident.

(8) The assisted living facility 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, unless consent has been provided by a resident's representative as described in this section.

(9) For the purpose of consenting to video electronic monitoring without an audio component, the term "resident" includes the resident's representative.

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

(a) The individual residing in the assisted living facility; 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 electronic monitoring of the resident.

(11) If a resident's decision maker consents to audio electronic monitoring as specified in (10) above, the assisted living facility must maintain a copy of the court order authorizing such consent in the resident's record.

(12) If the assisted living facility determines that a resident, resident's family, or other third party is electronically monitoring a resident's room or apartment without complying with the requirements of this section, the assisted living facility must disconnect or remove such equipment until the appropriate consent is obtained and notice given as required by this section.

(13) Nothing in this section prohibits or limits an assisted living facility from implementing electronic monitoring pursuant to a resident's negotiated service plan, including but not limited to motion sensor alerts, floor pressure sensors, or global positioning devices, where the monitoring does not entail the transmittal or recording of a human-viewable image, sound or resident name.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2690, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2690, filed 6/18/13, effective 7/19/13. Statutory Authority: Chapters 18.20 and 74.34 RCW. WSR 09-01-052, § 388-78A-2690, filed 12/10/08, effective 1/10/09. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2690, filed 7/30/04, effective 9/1/04.]

Safety and Disaster Preparedness

WAC 388-78A-2700 Emergency and disaster preparedness. (1) The assisted living facility must:

(a) Maintain the premises free of hazards;

(b) Maintain any vehicles used for transporting residents in a safe condition;

(c) Provide, and tell staff persons of a means of emergency access to resident-occupied bedrooms, toilet rooms, bathing rooms, and other rooms;

(d) Provide emergency lighting or flashlights in all areas accessible to residents of the assisted living facility;

(e) Make sure first-aid supplies are:

(i) Readily available and not locked;

(ii) Clearly marked;

(iii) Able to be moved to the location where needed; and

(iv) Stored in containers that protect them from damage, deterioration, or contamination.

(f) Make sure first-aid supplies are appropriate for:

(i) The size of the assisted living facility;

(ii) The services provided;

(iii) The residents served; and

(iv) The response time of emergency medical services.

(2) The assisted living facility must develop and maintain a written emergency preparedness plan that describes measures to take in the event of emergencies or disasters, including, but not limited to:

(a) Fires;

(b) Earthquakes;

(c) Extreme cold;

(d) Extreme heat;

(e) Floods;

(f) Infectious disease outbreaks;

(g) Loss of power or water; and

(h) Other events that may require sheltering in place, evacuations, or other emergency measures to protect the health and safety of residents.

(3) The assisted living facility's emergency preparedness plan must include procedures for:

(a) Staff roles and responsibilities;

(b) Identifying and locating residents;

(c) Summoning emergency assistance and coordinating with first responders;

(d) Communicating emergency information to staff and residents as well as external partners, including emergency contacts for residents, state and local agencies, developmental disability ombuds, and long-term care ombuds;

(e) How resident care and treatment needs will be maintained;

(f) Provision of essential resident needs and supplies, including water, food, medications, and personal care items;

(g) Alternative resident accommodations; and

(h) An assisted living facility certified as a memory care facility or memory care unit must address the special needs of residents with dementia.

(4) The assisted living facility must incorporate infection prevention and control capability into its emergency preparedness plan. At minimum, the plan must:

(a) Include procedures for the procurement, inventory, tracking, safe storage, and rotation of personal protective equipment to ensure supplies remain within manufacturer recommended shelf life and are available for use; and

(b) Describe how the facility will ensure adequate staffing and implement isolation or cohorting procedures during an infectious disease emergency.

(5) In addition to the plan requirements, the assisted living facility must:

(a) Maintain an adequate supply of personal protective equipment appropriate to the facility size and resident population, including, but not limited to: gloves, gowns, surgical masks, eye protection, and NIOSH-approved respirators;

(b) Train all employees in the comprehensive emergency preparedness plan and staff procedures upon hire and reviewed annually thereafter;

(c) Review the comprehensive emergency preparedness plan and procedures and update at least annually;

(d) Communicate the location of the emergency preparedness plan to residents and staff to ensure access as needed during emergencies; and

(e) Comply with WAC 388-78A-3140.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2700, filed 7/15/26, effective 8/15/26. Statutory Authority: RCW 18.20.090, 18.51.070, 70.97.230, chapters 70.129, 74.42, and 74.39 RCW. WSR 26-02-045, s 388-78A-2700, filed 1/2/26, effective 2/2/26. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2700, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2700, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2700, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2700, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2703 Safety of the built environment. The assisted living facility must provide a safe environment and promote the safety of each resident whenever the resident is on the premises or under the supervision of staff persons consistent with the resident's negotiated service agreement, and must maintain the premises and equipment used in resident care so as to be free of hazards, including:

(1) Providing handrails in halls, corridors, lobbies, and other circulation spaces accessible to residents appropriate to the population served and consistent with the facility functional program.

(2) Maintaining nonskid surfaces on all stairways and ramps used by residents.

(3) Keeping exterior grounds, assisted living facility structures, and component parts safe, sanitary, and in good repair.

(4) Providing door hardware to ensure:

(a) Residents cannot lock themselves in, or out of, rooms or areas accessible to them; and

(b) Residents cannot become locked in storage rooms, closets, or other rooms or areas not intended for resident access.

(5) Providing and informing staff persons of a means of emergency access to resident-occupied bedrooms, toilet rooms, bathing rooms, and other rooms.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2703, filed 12/31/19, effective 1/31/20.]

Disclosure

WAC 388-78A-2710 Disclosure of services. (1) The assisted living facility must disclose to residents, the resident's representative, if any, and interested consumers upon request, the scope of care and services it offers, on the department's approved disclosure forms. The disclosure form shall not be construed as an implied or express contract between the assisted living facility and the resident, but is intended to assist consumers in selecting assisted living facility services.

(2) The assisted living facility must provide the services disclosed.

(3) The assisted living facility must provide a minimum of thirty days written notice to the residents and the residents' representatives, if any:

(a) Before the effective date of any decrease in the scope of care or services provided by the assisted living facility, due to circumstances beyond the assisted living facility's control; and

(b) Before the effective date of any voluntary decrease in the scope of care or services provided by the assisted living facility, and any such decrease in the scope of services provided will not result in the discharge of one or more residents.

(4) The assisted living facility must provide a minimum of ninety days written notice to the residents and the residents' representative, if any, before the effective date of any voluntary decrease in the scope of care or services provided by the assisted living facility, and any such decrease in the scope of services provided will result in the discharge of one or more residents.

(5) If the assisted living facility increases the scope of services that it chooses to provide, the assisted living facility must

promptly provide written notice to the residents and residents' representative, if any, and must indicate the date on which the increase in the scope of care or services is effective.

(6) When the care needs of a resident exceed the disclosed scope of care or services that an assisted living facility provides, the assisted living facility may exceed the care or services disclosed consistent with RCW 70.129.030(3) and 70.129.110 (3)(a).

(7) Even though the assisted living facility may disclose that it can provide certain care or services to residents or prospective residents or residents' representative, if any, the assisted living facility may deny admission to a prospective resident when the assisted living facility determines that the needs of the prospective resident cannot be met, as long as the assisted living facility operates in compliance with state and federal law, including reasonable accommodation requirements and RCW 70.129.030(3).

(8) The assisted living facility must notify prospective residents of their rights regarding health care decision making consistent with applicable state and federal laws and rules, before or at the time the individual moves into the assisted living facility.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2710, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2710, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2720 Timing of disclosure. (1) The assisted living facility must provide the disclosure form completed by the assisted living facility:

(a) In response to a request by a prospective resident or his or her representative, if any, for written information about the assisted living facility's services and capabilities; or

(b) At the time the assisted living facility provides an application for residency, an admission agreement or contract, if not previously received by the prospective resident or his or her representative, if any.

(2) The assisted living facility is not required to provide the disclosure of care and services contained on the department's approved disclosure forms:

(a) In advertisements;

(b) In general marketing information to the public; or

(c) To persons seeking general information regarding residential care resources in the community.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2720, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2720, filed 7/30/04, effective 9/1/04.]

Licensing

WAC 388-78A-2730 Licensee's responsibilities. (1) The assisted living facility licensee is responsible for:

(a) The operation of the assisted living facility;

(b) Complying at all times with the requirements of this chapter, chapter 18.20 RCW, and other applicable laws and rules; and

(c) The care and services provided to the assisted living facility residents.

(2) The licensee must:

(a) Maintain the occupancy level at or below the licensed resident bed capacity of the assisted living facility;

(b) Maintain and post in a size and format that is easily read, in a conspicuous place on the assisted living facility premises:

(i) A current assisted living facility license, including any related conditions on the license;

(ii) A current memory care certification as required in RCW 18.20.540;

(iii) The name, address, and telephone number of:

(A) The department;

(B) Appropriate resident advocacy groups; and

(C) The state and local long-term care ombuds with a brief description of ombuds services.

(iv) A copy of the report, including the cover letter, and plan of correction of the most recent full inspection conducted by the department; and

(v) Post stop placement and limited stop placement orders as required in RCW 18.20.520.

(c) Ensure any party responsible for holding or managing residents' personal funds is bonded or obtains insurance in sufficient amounts to specifically cover losses of resident funds; and provides proof of bond or insurance to the department.

(3) The licensee must not delegate to any person responsibilities that are so extensive that the licensee is relieved of responsibility for the daily operations and provisions of services in the assisted living facility.

(4) The licensee must act in accord with any department-approved management agreement, if the licensee has entered into a management agreement.

(5) The licensee must appoint the assisted living facility administrator consistent with WAC 388-78A-2520.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2730, filed 7/15/26, effective 8/15/26. Statutory Authority: RCW 18.20.090, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 25-16-099, s 388-78A-2730, filed 8/6/25, effective 9/6/25. Statutory Authority: Chapter 18.20 RCW. WSR 14-05-035, § 388-78A-2730, filed 2/12/14, effective 3/15/14; WSR 13-13-063, § 388-78A-2730, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090, 2008 c 146, and chapter 18.20 RCW. WSR 09-01-079, § 388-78A-2730, filed 12/15/08, effective 1/15/09. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2730, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2732 Liability insurance required—Ongoing. The assisted living facility must:

(1) Obtain liability insurance upon licensure and maintain the insurance as required in WAC 388-78A-2733 and 388-78A-2734; and

(2) Have evidence of liability insurance coverage available if requested by the department.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2732, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2732, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2733 Liability insurance required—Commercial general liability insurance or business liability insurance coverage. The assisted living facility 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 contractor, 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: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2733, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2733, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2734 Liability insurance required—Professional liability insurance coverage. The assisted living facility must have professional liability insurance or error and omissions insurance if the assisted living facility licensee has a professional license, or employs professionally licensed staff. The insurance must include:

(1) Coverage for losses caused by errors and omissions of the assisted living facility, 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: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2734, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-2734, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-2740 Licensee qualifications. The department must consider separately and jointly as applicants each person named in the application for an assisted living facility license.

(1) If the department finds any person unqualified as specified in WAC 388-78A-3190, the department must deny, terminate, or not renew the license.

(2) If the department finds any person unqualified as specified in WAC 388-78A-3170, the department may deny, terminate, or not renew the license.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2740, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2740, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2750 Application process. (1) To apply for an assisted living facility license, a person must:

(a) Submit to the department a complete license application on forms designated by the department at least 90 days prior to the proposed effective date of the license;

(b) Submit all relevant attachments specified in the application;

(c) Submit department background authorization forms;

(d) Sign the application;

(e) Submit the license fee as specified in WAC 388-78A-3230;

(f) Submit verification that construction plans have been approved by construction review services;

(g) Submit a revised application before the license is issued if any information has changed since the initial license application was submitted; and

(h) Submit a revised application containing current information about the proposed licensee or any other persons named in the application, if a license application is pending for more than one year.

(2) If the licensee's agent prepares an application on the licensee's behalf, the licensee must review, sign, and attest to the accuracy of the information contained in the application.

(3) The department may consider an application void when the applicant or licensee's agent does not return information to the department within 60 days of the first request for additional information for an incomplete application.

(4) A license must be issued only to the person who applied for the license.

(5) A license may not exceed 12 months in duration and expires on a date set by the department.

(6) To apply for a memory care certification, a person must:

(a) Submit to the department a complete application for certification on the form designated by the department at least 90 days prior to the proposed date of certification;

(b) Sign the application for memory care certification; and

(c) Submit the initial certification fee as specified in WAC 388-78A-3220.

(7) If the licensee's agent prepares the memory care certification application on behalf of the licensee, the licensee must review, sign, and attest to the accuracy of the information contained in the certification application.

(8) A memory care certification must only be issued to the entity who applied for the certification.

(9) A certification may not exceed 12 months in duration and expires on the date set by the department.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2750, filed 7/15/26, effective 8/15/26. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2750, filed 6/18/13, effective 7/19/13; WSR 12-21-070, § 388-78A-2750, filed 10/18/12, effective 11/18/12; WSR 12-01-003, § 388-78A-2750, filed 12/7/11, effective 1/7/12. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 10-16-085, § 388-78A-2750, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2750, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2760 Necessary information. (1) In making a determination whether to issue an assisted living facility license, in ad-

dition to the information for each person named in the application, the department may review other documents and information the department deems relevant, including inspection and complaint investigation findings for each facility with which the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has been affiliated.

(2) In making a determination whether to issue a certification for memory care, the department may review other documents and information the department deems relevant, including enforcement remedies, inspections, and complaint investigation findings for each facility applying for certification.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2760, filed 7/15/26, effective 8/15/26. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2760, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2760, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2770 Change in licensee/change of ownership—When change in licensee is required. The licensee of an assisted living facility must change whenever the following events occur, including, but not limited to:

(1) The licensee's form of legal organization is changed (e.g., a sole proprietor forms a partnership or corporation);

(2) The licensee transfers ownership of the assisted living facility business enterprise to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the assisted living facility is also transferred;

(3) The licensee dissolves, or consolidates or merges with another legal organization and the licensee's legal organization does not survive;

(4) If, during any continuous twenty-four-month period, fifty percent or more of the **"licensed entity"** is transferred, whether by a single transaction or multiple transactions, to:

(a) A different person (e.g., new or former shareholders or partners); or

(b) A person that had less than a five percent ownership interest in the assisted living facility at the time of the first transaction.

(5) Any other event or combination of events that results in a substitution, elimination, or withdrawal of the licensee's control of the assisted living facility. As used in this section, "control" means the possession, directly or indirectly, of the power to direct the management, operation and/or policies of the licensee or assisted living facility, whether through ownership, voting control, by agreement, by contract or otherwise.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2770, filed 6/18/13, effective 7/19/13; WSR 09-06-063, § 388-78A-2770, filed 3/2/09, effective 4/2/09. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2770, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2773 Change in licensee/change of ownership—When change in licensee not required. The licensee is not required to change when only the following, without more, occur:

(1) The licensee contracts with a party to manage the assisted living facility enterprise for the licensee pursuant to an agreement as specified in WAC 388-78A-2590; or

(2) The real property or personal property assets of the assisted living facility 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 or assisted living facility.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2773, filed 6/18/13, effective 7/19/13; WSR 09-06-063, § 388-78A-2773, filed 3/2/09, effective 4/2/09.]

WAC 388-78A-2775 Change in licensee/change of ownership—Application. (1) The prospective licensee must complete, sign, and submit to the department a change of ownership application prior to the proposed date of change in licensee.

(2) The annual assisted living facility license fee, if a license fee is due, must accompany the change in ownership application.

(3) The prospective licensee must submit the following information that must be submitted along with the change of ownership application:

(a) Evidence of control of the real estate on which the assisted living facility is located, such as a purchase and sales agreement, lease contract, or other appropriate document; and

(b) Any other information requested by the department.

(4) The prospective licensee must submit the completed application to the department within the applicable time frames of WAC 388-78A-2785 or 388-78A-2787.

(5) A prospective licensee completing a change of ownership for an assisted living facility with a memory care certification must:

(a) Apply for a memory care certification at the same time an application for change of ownership is submitted to the department; and

(b) Submit the initial certification fee with the certification application.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2775, filed 7/15/26, effective 8/15/26. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2775, filed 6/18/13, effective 7/19/13; WSR 09-06-063, § 388-78A-2775, filed 3/2/09, effective 4/2/09.]

WAC 388-78A-2777 Change in licensee/change of ownership—Revised application. The prospective licensee must submit a revised application to the department if:

(1) Any information included on the original application is no longer accurate; or

(2) Requested by the department.

[Statutory Authority: Chapter 18.20 RCW. WSR 09-06-063, § 388-78A-2777, filed 3/2/09, effective 4/2/09.]

WAC 388-78A-2780 Change in licensee/change of ownership—Notice to department and residents. (1) In order to change the licensee of an assisted living facility, the current licensee must notify the following in writing of the proposed change in licensee:

(a) The department; and

(b) All residents, or resident representatives (if any).

(2) The licensee must include the following information in the written notice:

(a) Name of the present licensee and prospective licensee;

(b) Name and address of the assisted living facility for which the licensee is being changed;

(c) Date of proposed change; and

(d) If the assisted living facility contracts with the department, health care authority or other public agencies that may make payments for residential care on behalf of residents, the anticipated effect, such as discharge from the assisted living facility, the change of licensee will have on residents whose care and services are supported through these contracts.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2780, filed 6/18/13, effective 7/19/13; WSR 12-01-003, § 388-78A-2780, filed 12/7/11, effective 1/7/12; WSR 09-06-063, § 388-78A-2780, filed 3/2/09, effective 4/2/09. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2780, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2783 Change in licensee/change of ownership—Relinquishment of license. (1) On the effective date of the change in licensee, the current assisted living facility licensee is required to relinquish their assisted living facility license.

(2) To relinquish a license, the licensee must mail the department the assisted living facility license along with a letter, addressed to the department, stating licensee's intent to relinquish the assisted living facility license to the department.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2783, filed 6/18/13, effective 7/19/13; WSR 09-06-063, § 388-78A-2783, filed 3/2/09, effective 4/2/09.]

WAC 388-78A-2785 Change in licensee/change of ownership—Ninety days notice. The current assisted living facility licensee must provide written notice to the department and residents, or resident representatives (if any), ninety calendar days prior to the date of the change of licensee, if the proposed change of assisted living facility licensee is anticipated to result in the discharge or transfer of any resident.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2785, filed 6/18/13, effective 7/19/13; WSR 09-06-063, § 388-78A-2785, filed 3/2/09, effective 4/2/09.]

WAC 388-78A-2787 Change in licensee/change of ownership—Sixty days notice. The current assisted living facility licensee must pro-

vide written notice to the department and residents, or resident representatives (if any), at least sixty calendar days prior to the date of the change of licensee, if the proposed change of assisted living facility licensee is not anticipated to result in the discharge or transfer of any resident.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2787, filed 6/18/13, effective 7/19/13; WSR 09-06-063, § 388-78A-2787, filed 3/2/09, effective 4/2/09.]

WAC 388-78A-2790 Annual renewal. To renew an assisted living facility license, the assisted living facility must:

(1) Submit a completed license renewal application on forms designated by the department, at least 30 days prior to the license expiration date;

(2) Sign the application;

(3) Submit the annual license fee as specified in WAC 388-78A-3230; and

(4) If the licensee's agent prepares a renewal application on the licensee's behalf, the licensee must review, sign, and attest to the accuracy of the information contained on the renewal application.

(5) To renew a memory care certification, the assisted living facility must:

(a) Have a valid, current, assisted living facility license; and

(b) Submit the annual certification fee with the department designated form at least 30 days prior to the certification expiration date.

(6) The assisted living facility certified as a memory care facility or memory care unit must ensure the department receives the annual certification fee when it is due.

(7) If the assisted living facility does not pay the annual certification fee the department will impose remedies.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2790, filed 7/15/26, effective 8/15/26. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2790, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2790, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2800 Changes in licensed bed capacity. (1) To change the licensed bed capacity in an assisted living facility, the assisted living facility must:

(a) Submit a completed request for approval to the department at least one day before the intended change;

(b) Submit the prorated fee for additional beds to DSHS within thirty calendar days, if applicable;

(c) Update the resident register pursuant to WAC 388-78A-2440 upon making the intended change;

(d) Post an amended license obtained from the department, indicating the new licensed bed capacity; and

(e) Meet the additional requirements under WAC 388-78A-2810.

(2) Facilities may maintain prepaid licensed beds as "stand-by" beds for the conversion of a nonresident to a resident or admission of a resident. A "stand-by" bed is defined as a bed that is not occupied

by a resident and was not designated on the department room list by the facility as a paid licensed bed.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2800, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2800, filed 6/18/13, effective 7/19/13; WSR 12-01-003, § 388-78A-2800, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2800, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2810 Criteria for increasing licensed bed capacity. Before the licensed bed capacity in an assisted living facility may be increased, the assisted living facility must:

(1) Obtain construction review services' review and approval of the additional rooms or beds, and related auxiliary spaces, if the rooms were not previously reviewed and approved for the physical plant requirements at time of construction; and

(2) Ensure that each additional licensed bed or "stand-by" bed meets the assisted living licensing requirements under this chapter and chapter 388-110 WAC, when applicable.

(3) Before approving any increase in licensed bed capacity, the department will determine the facility's maximum facility capacity to ensure that any increase is consistent with this chapter and chapter 388-110 WAC, when applicable.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2810, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2810, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2810, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2821 Design, construction review, and approval plans. (1) Drawings and specifications for new construction must be prepared by, or under the direction of, an architect registered under chapter 18.08 RCW. The services of a consulting engineer registered under chapter 18.43 RCW may be used for the various branches of work where appropriate. The services of a registered engineer may be used in lieu of the services of an architect if the scope of work is primarily engineering in nature.

(2) The assisted living facility will meet the following requirements:

(a) **Preconstruction.** Request and attend a presubmission conference for projects with a construction value of two hundred and fifty thousand dollars or more. The presubmission conference shall be scheduled to occur for the review of construction documents that are no less than fifty percent complete, or as coordinated with plan reviewer.

(b) **Construction document review.** Submit construction documents for proposed new construction to the department for review within ten days of submission to the local authorities. Compliance with these standards and regulations does not relieve the facility of the need to comply with applicable state and local building and zoning codes. The construction documents must include:

(i) A written functional program consistent with WAC 388-78A-2361 containing, but not limited to, the following:

(A) Information concerning services to be provided and the methods to be used;

(B) An interim life safety measures plan to ensure the health and safety of occupants during construction;

(C) An infection control risk assessment indicating appropriate infection control measures, keeping the surrounding area free of dust and fumes, and ensuring rooms or areas are well ventilated, unoccupied, and unavailable for use until free of volatile fumes and odors;

(D) An analysis of likely adverse impacts on current assisted living facility residents during construction and the facilities plans to eliminate or mitigate such adverse impacts including ensuring continuity of services;

(ii) Drawings and specifications to include coordinated architectural, mechanical, and electrical work. Each room, area, and item of fixed equipment and major movable equipment must be identified on all drawings to demonstrate that the required facilities for each function are provided;

(iii) Floor plan of the existing building showing the alterations and additions, and indicating location of any service or support areas;

(iv) Required paths of exit serving the alterations or additions; and

(v) Verification that the capacities and loads of infrastructure systems will accommodate the planned load.

(c) **Resubmittals.** The assisted living facility will respond in writing when the department requests additional or corrected construction documents;

(d) **Construction.** Comply with the following requirements during the construction phase:

(i) The assisted living facility will not begin construction until all of the following items are complete:

(A) Construction review services has approved construction documents or granted authorization to begin construction;

(B) The local jurisdictions have issued a building permit; and

(C) The construction review services will issue an "authorization to begin construction" when the construction documents have been conditionally approved.

(ii) Submit to the department for review any addenda or modifications to the construction documents.

(iii) Assure construction is completed in compliance with the final construction review services approved documents. Compliance with these standards and regulations does not relieve the facility from compliance with applicable state and local building and zoning codes. Where differences in interpretations occur, the facility will follow the most stringent requirement.

(vi) The assisted living facility will allow any necessary inspections for the verification of compliance with the construction documents, addenda, and modifications.

(e) **Project closeout.** The facility will not use any new or remodeled areas for resident use of licensed space until:

(i) The department has approved construction documents;

(ii) The local jurisdictions have completed all required inspections and approvals, when applicable or given approval to occupy; and

(iii) The facility notifies the department in writing when construction is completed and includes:

(A) Copy of the local jurisdiction's approval for occupancy;
(B) Copy of reduced floor plans; and
(C) A room schedule.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2821, filed 12/31/19, effective 1/31/20.]

WAC 388-78A-2830 Conversion of licensed nursing homes. (1) If a person intends to convert a licensed nursing home building into a licensed assisted living facility, the building must meet all assisted living facility licensing requirements specified in this chapter and chapter 18.20 RCW unless the licensee has a contract with the department to provide enhanced adult residential care services in the assisted living facility per RCW 18.20.220.

(2) If the licensee provides contracted enhanced adult residential care services in the building converted from a licensed nursing home into a licensed assisted living facility, the assisted living facility licensing requirements for the physical structure are considered to be met if the most recent nursing home inspection report for the nursing home building demonstrates compliance, and compliance is maintained, with safety standards and fire regulations:

(a) As required by RCW 18.51.140; and

(b) Specified in the applicable building code, as required by RCW 18.51.145, including any waivers that may have been granted, except that the licensee must ensure the building meets the licensed assisted living facility standards, or their functional equivalency, for:

(i) Resident to bathing fixture ratio required per WAC 388-78A-3030;

(ii) Resident to toilet ratio required per WAC 388-78A-3030;

(iii) A call system required per WAC 388-78A-2930;

(iv) Resident room door closures; and

(v) Resident room windows required per WAC 388-78A-3010.

(3) If the licensee does not continue to provide contracted enhanced adult residential care services in the assisted living facility converted from a licensed nursing home, the licensee must meet all assisted living facility licensing requirements specified in this chapter and chapter 18.20 RCW.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2830, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2830, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2830, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2840 Licenses for multiple buildings. (1) The licensee may have multiple buildings operating under a single assisted living facility license if:

(a) All of the buildings are located on the same property with the same legal description; or

(b) All of the buildings are located on contiguous properties undivided by:

(i) Public streets, not including alleyways used primarily for delivery services or parking; or

(ii) Other land that is not owned and maintained by the owners of the property on which the assisted living facility is located.

(2) The licensee must have separate assisted living facility licenses for buildings that are not located on the same or contiguous properties.

(3) Buildings that construction review services reviewed only as an addition to, or a remodel of, an existing assisted living facility must not have separate assisted living facility licenses.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2840, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2840, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2850 Required reviews of building plans. (1) A person or assisted living facility must notify construction review services of all planned construction regarding an assisted living facility prior to beginning work on any of the following:

(a) A new building or portion thereof to be used as an assisted living facility;

(b) An addition of, or modification or alteration to an existing assisted living facility, including, but not limited to, the assisted living facility's:

(i) Physical structure;

(ii) Electrical fixtures or systems;

(iii) Mechanical equipment or systems;

(iv) Fire alarm fixtures or systems;

(v) Fire sprinkler fixtures or systems;

(vi) Wall coverings 1/28 inch thick or thicker; or

(vii) Kitchen or laundry equipment.

(c) A change in the department-approved use of an existing assisted living facility or portion of an assisted living facility; and

(d) An existing building or portion thereof to be converted for use as an assisted living facility.

(2) A person or assisted living facility does not need to notify construction review services of the following:

(a) Repair or maintenance of equipment, furnishings or fixtures;

(b) Replacement of equipment, furnishings or fixtures with equivalent equipment, furnishings or fixtures;

(c) Repair or replacement of damaged construction if the repair or replacement is performed according to construction documents approved by construction review services within eight years preceding the current repair or replacement;

(d) Painting; or

(e) Cosmetic changes and changes to approved use that do not affect areas providing, or utilities serving resident activities, services, or care and are performed in accordance with the current edition of the building code; or

(f) Construction in buildings not accessible to residents and not directly supporting resident services.

(3) The assisted living facility must submit plans to construction review services as directed by construction review services and consistent with WAC 388-78A-2361 for approval prior to beginning any construction.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2850, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2850, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2850, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2851 Applicability requirements for physical plant. (1) The purpose of physical environment requirements is to provide for a safe and effective resident care environment in the buildings or portions of buildings licensed as assisted living facilities and used to provide assisted living services. This section applies to new construction which includes:

(a) New buildings to be licensed;

(b) Conversion of an existing building or portion of an existing building;

(c) Additions;

(d) Alterations; and

(e) Excludes buildings used exclusively for administration functions.

(2) Standards for design and construction:

(a) The physical environment requirements of this chapter that are in effect at the time the application and fee is submitted to construction review services, and the project number is assigned by construction review services, apply for the duration of the construction project;

(b) Newly licensed assisted living facilities and new construction in existing assisted living facilities must meet the requirements of all current state and local building and zoning codes and applicable sections of this chapter; and

(c) Where permitted by the state building code, in resident rooms, spaces, and areas, including sleeping, treatment, diagnosis, and therapeutic uses, the design and installation of an NFPA 72 private operating mode fire alarm shall be permitted.

(3) Existing licensed assisted living facilities must continue to meet the applicable codes in force at the time of construction, the fire code adopted by the Washington state building code council and the following sections:

(a) WAC 388-78A-2700 Emergency and disaster preparedness;

(b) WAC 388-78A-2880 Changing use of rooms;

(c) WAC 388-78A-2950 Water supply;

(d) WAC 388-78A-2960 Sewage and liquid waste disposal; and

(e) WAC 388-78A-2970 Garbage and refuse disposal.

(4) Where applicable, existing facilities may choose to meet either the requirements of chapter 388-78A WAC in effect at the time a project number is assigned by construction review services consistent with subsection (2)(a) of this section or the following standards:

(a) WAC 388-78A-2381 General design requirements for memory care;

(b) WAC 388-78A-2880(3) Freedom of movement;

(c) WAC 388-78A-2990(5) Heating and cooling—Temperature; and

(d) WAC 388-78A-2920 Area for nursing supplies and equipment.

(5) The department may require a facility to meet requirements if building components or systems are deemed by the department to jeopardize the health or safety of residents.

(6) The assisted living facility must ensure that construction is completed in compliance with the final construction review services approved documents. Compliance with these standards and regulations does not relieve the assisted living facility of the need to comply with applicable state and local building and zoning codes.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-03-122 and WSR 20-02-104, § 388-78A-2851, filed 1/17/20 and 12/31/19, effective 2/17/20 and 1/31/20.]

WAC 388-78A-2852 Exemptions or alternative methods. (1) The department may exempt an assisted living facility from meeting a specific requirement related to the physical environment or may approve an alternative method for meeting the requirement, if the department determines the exemptions or alternative method will:

(a) Not jeopardize the health or safety of residents;

(b) Not adversely affect the residents' quality of life;

(c) Not change the fundamental nature of the assisted living facility operation into something other than an assisted living facility;

(d) Demonstrate that the proposed alterations will serve to correct deficiencies or upgrade the facility in order to better serve residents; and

(e) Demonstrate to the director of residential care services, that substitution of procedures, materials, or equipment for requirements specified in this chapter would better serve residents.

(2) To request an exemption, or to request an approval of an alternative method, an assisted living facility must submit a written request to the department that includes:

(a) A description of the requested exemption or alternative method; and

(b) The specific rule for which the exemption is sought.

(3) The assisted living facility may not appeal the department's denial of a request for an exemption or alternative method.

(4) The assisted living facility must retain in the assisted living facility a copy of each approved exemption or alternative method.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2852, filed 12/31/19, effective 1/31/20.]

WAC 388-78A-2853 New licenses and use of construction. The department will not issue an assisted living facility license unless:

(1) Construction review services:

(a) Notifies the department that construction has been completed; and

(b) Provides the department:

(i) A copy of the certificate of occupancy granted by the local building official;

(ii) A copy of the functional program; and

(iii) A reduced copy of the approved floor plan indicating room numbers or names and the approved use; and

(c) The state fire marshal has inspected and approved for fire life safety RCW 18.20.130.

(2) Facilities will not use areas of new construction, as described in WAC 388-78A-2821, until one of the following events has occurred:

(a) Construction review services has approved the construction, and the scope of work does not require inspection by DSHS for a licensing inspection, or office of the state fire marshal (OSFM). Examples of such projects include:

(i) Minor additions (sunroom, dining room, offices);

(ii) New buildings without resident care space or critical systems;

(iii) Minor moving of walls in resident care spaces;

(iv) Major renovations in non-resident spaces; and

(v) Phased construction projects not falling under subsection (3)(b)(ii) and (iii) of this section; or

(b) Construction review services has recommended approval, and a DSHS inspection has approved the finished work, and the scope of work is for:

(i) Major alterations of resident spaces;

(ii) Alterations of significant scope;

(iii) Conversion of support spaces to resident rooms;

(iv) Addition of licensed beds not previously reviewed and approved by construction review services;

(v) New resident care buildings (under existing license);

(vi) New resident support spaces such as kitchens and secured outdoor areas; and

(vii) License type/contract care conversions; or

(c) Construction review services has recommended approval, OSFM has inspected, and DSHS issues a license and the scope of the work is for:

(i) Buildings and areas supporting an initial facility license;

(ii) Buildings and spaces seeking licensure after an expired license; or

(iii) Facility relocation.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2853, filed 12/31/19, effective 1/31/20.]

WAC 388-78A-2860 Relocation of residents during construction. (1) Prior to moving residents out of the assisted living facility during construction, the assisted living facility must:

(a) Notify the residents and the residents' representatives at least thirty days prior to the anticipated move date, of the required move, and their options consistent with chapter 70.129 RCW;

(b) Notify the department at least thirty days prior to the anticipated move date of the assisted living facility's plans for relocating residents, including:

(i) The location to which the residents will be relocated;

(ii) The assisted living facility's plans for providing care and services during the relocation;

(iii) The assisted living facility's plans for returning residents to the building; and

(iv) The projected time frame for completing the construction.

(c) Obtain the department's approval for the relocation plans prior to relocating residents.

(2) If the assisted living facility moves all of the residents from the assisted living facility without first obtaining the depart-

ment's approval of the relocation plans, the assisted living facility is ordered to stop placement, and the department may revoke the assisted living facility license.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2860, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2860, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2860, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2870 Vacant buildings. Whenever an assisted living facility moves out all residents and ceases operation for reasons other than construction, under WAC 388-78A-2860, the licensee must relinquish or the department may revoke the assisted living facility license.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2870, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2870, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2870, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2880 Changing use of rooms. Prior to using a room for a purpose other than what was approved by construction review services, the assisted living facility must:

(1) Notify construction review services:

(a) In writing;

(b) Thirty days or more before the intended change in use;

(c) Describe the current and proposed use of the room; and

(d) Provide all additional documentation as requested by construction review services;

(2) Obtain the written approval of construction review services for the new use of the room; and

(3) Ensure the facility functional program and room list are updated to reflect the change.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2880, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2880, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2880, filed 7/30/04, effective 9/1/04.]

Building

WAC 388-78A-2900 Retention of approved construction documents. The assisted living facility must retain paper or electronic copies of the following on the assisted living facility premises:

(1) Specification data on materials used in construction, for the life of the product;

(2) Stamped "approved" set of construction documents;

(3) The certificate of occupancy or final inspection granted by the local building official;

(4) The functional program required under WAC 388-78A-2361; and

(5) Any approved exemption or alternative methods of compliance issued by the department.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2900, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2900, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2900, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2920 Area for nursing supplies and equipment. (1) In each building, the assisted living facility must provide for the safe and sanitary storage and handling of nursing equipment and supplies appropriate to the needs of their residents, as well as for the soiled nursing equipment by providing:

(a) A "clean" utility area for the purposes of storing and preparing nursing supplies, or durable and disposable medical equipment equipped with:

(i) A work counter or table; and

(ii) A handwashing sink, with soap and paper towels or other approved hand-drying device;

(b) A "soiled" utility room for the purposes of storing soiled linen, cleaning nursing care equipment, and disposing of refuse and infectious waste, equipped with:

(i) A work counter or table;

(ii) A two-compartment sink for handwashing and equipment cleaning and sanitizing;

(iii) Soap and paper towels or other approved hand-drying device; and

(iv) Locked storage for cleaning supplies, if stored in the area.

(c) An area for locked medication storage consistent with WAC 388-78A-2260, equipped with:

(i) A work surface; and

(ii) An adjacent hand-washing sink, with soap and paper towels or other approved hand-drying device.

(2) "Clean" and "soiled" utility areas must be accessible by staff persons, or residents with appropriate staff assistance if those "clean" or "soiled" areas contain resident laundry facilities.

(3) Single designs meeting the functional intent and built to address issues of infection control, work process, and mechanical ventilation may be approved.

(4) Each assisted living facility:

(a) May combine areas used for storing, handling, and cleaning soiled laundry and linens, areas used for cleaning nursing care equipment, areas for disposing of refuse and infectious waste, and/or areas for storing housekeeping and cleaning supplies, into a single area on the premises only when the assisted living facility equips the area with:

(i) A two-compartment sink for handwashing and sanitizing;

(ii) A work counter or table;

(iii) A mechanical ventilation to the outside of the assisted living facility; and

(iv) Locked storage for cleaning supplies, if stored in the area.

(b) Must ensure that any work or function performed in or around a combined utility area as described in subsection (4)(a) of this section is performed without significant risk of contamination to:

(i) Storing or handling clean nursing supplies or equipment;

(ii) Storing or handling clean laundry;

(iii) Providing resident care;

(iv) Food storage, preparation, or service; or

(v) Other operations or services of functions in the assisted living facility sensitive to infection control practices.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2920, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2920, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2920, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2920, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2930 Communication system. (1) The assisted living facility must:

(a) Provide residents and staff persons with the means to summon on-duty staff assistance from all resident-accessible areas including:

(i) Bathrooms and toilet rooms;

(ii) Resident living rooms and resident sleeping rooms; and

(iii) Corridors, as well as common and outdoor areas accessible to residents.

(b) Provide the resident with personal wireless communication devices, such as pendants or wristbands, when a communication device is not installed in the resident's sleeping room, and when wireless communications are used:

(i) The system must be designed and installed consistent with industry standards and perform reliably throughout the facility; and

(ii) The facility must have a policy and procedure describing the mitigating measures in the event of system disruption, including for maintenance and loss of power; and

(c) Provide residents, families, and other visitors with a means to contact a staff person inside the building from outside the building after hours.

(2) The assisted living facility must provide one or more nonpay telephones to allow for communication between residents and their family members, medical providers, the resident's emergency contact, interested parties, ombuds, and other individuals the resident chooses to communicate with outside of the facility:

(a) In each building located for ready access for staff persons;

(b) On the premises with reasonable access and privacy by residents; and

(c) Accessible for resident use 24/7.

(3) The assisted living facility must equip each resident room with access to telephone service.

(4) If an assisted living facility chooses to install an intercom system, the intercom system must be equipped with a mechanism that allows a resident to control:

(a) Whether or not announcements are broadcast into the resident's room; and

(b) Whether or not voices or conversations within the resident's room can be monitored or listened to by persons outside the resident's room.

(5) The facility must provide wireless internet access.

[Statutory Authority: RCW 18.20.090, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 25-16-099, s 388-78A-2930, filed 8/6/25, effective 9/6/25. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2930, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2930, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2930, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2930, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2940 Two-way intercom systems. The assisted living facility may use a two-way intercom system between staff persons and residents in other rooms only when:

(1) A resident initiates the contact; or

(2) Staff persons announce to the resident that the intercom has been activated at the time it is activated, and:

(a) The resident and any others in the room agree to continue the contact;

(b) The assisted living facility deactivates the intercom when the conversation is complete; and

(c) The assisted living facility ensures each resident is aware the intercom is operating at all times the intercom is in use in the resident's room.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2940, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2940, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2940, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2950 Water supply. The assisted living facility must:

(1) Provide water meeting the provisions of chapter 246-290 WAC, Group A public water supplies or chapter 246-291 WAC, Group B public water systems;

(2) Protect and maintain the assisted living facility water systems against cross-connection in accordance with American Water Works Association (AWWA) *Recommended Practice for Backflow Prevention and Cross-Connection Control.*

(3) Meet the requirements of the plumbing code adopted by the Washington state building code council;

(4) Install vacuum breakers or backflow prevention devices on hose bibs and supply nozzles used to connect hoses or tubing to housekeeping sinks, and where used, bedpan-flushing attachments;

(5) Provide hot and cold water under adequate pressure readily available throughout the assisted living facility;

(6) Provide all sinks in resident rooms, toilet rooms and bathrooms, and bathing fixtures used by residents with hot water between 105°F and 120°F at all times; and

(7) Label or color code nonpotable water supplies as "unsafe for domestic use."

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2950, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2950, filed 6/18/13, effective 7/19/13. Statutory Authority: Chapters 18.20 and 74.34 RCW. WSR 09-01-052, § 388-78A-2950, filed 12/10/08, effective 1/10/09. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2950, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2960 Sewage and liquid waste disposal. The assisted living facility must:

(1) Ensure that all sewage and waste water drain into a municipal sewage disposal system according to chapter 173-240 WAC, if available; or

(2) Provide on-site sewage disposal systems designed, constructed, and maintained as required by chapters 246-272A and 246-272B WAC, and local ordinances.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-2960, filed 7/15/26, effective 8/15/26. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2960, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2960, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2960, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2960, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2970 Garbage and refuse disposal. The assisted living facility must:

(1) Provide an adequate number of garbage containers to store refuse generated by the assisted living facility:

(a) Located in a storage area convenient for resident and staff use;

(b) Constructed of nonabsorbent material;

(c) Cleaned and maintained to prevent:

(i) Entrance of insects, rodents, birds, or other pests;

(ii) Odors; and

(iii) Other nuisances.

(2) Assure garbage and waste containers are emptied frequently to prevent hazards and nuisances; and

(3) Provide for safe and sanitary collection and disposal of:

(a) Garbage and refuse;

(b) Infectious waste; and

(c) Waste grease from the kitchen.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2970, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2970, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2980 Lighting. (1) The assisted living facility must provide emergency lighting in residents units, dining and activity rooms, laundry rooms, and other spaces where residents may be at the time of a power outage.

(2) The assisted living facility must maintain electric light fixtures and lighting necessary for the comfort and safety of residents and for the activities of residents and staff.

(3) The assisted living facility must provide enough lighting in each resident's room to meet the resident's needs, preferences and choices.

(4) New assisted living facility construction must, at a minimum, meet the Illuminating Engineering Society of North America (IESNA) recommendations for lighting in common areas as established in the IESNA lighting handbook. The applicable handbook is the edition in effect on the date a construction review fee is paid to the department of health, construction review services, for new assisted living facility construction.

(5) Existing assisted living facility construction must maintain, at a minimum, the Illuminating Engineering Society of North America (IESNA) recommendations for lighting in common areas as established in the IESNA lighting handbook. The applicable handbook is the edition in effect on the date a construction review fee was paid to the department of health, construction review services, for the assisted living facility or that portion of the assisted living facility that underwent construction review.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2980, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2980, filed 6/18/13, effective 7/19/13. Statutory Authority: Chapters 18.20 and 74.34 RCW. WSR 09-01-052, § 388-78A-2980, filed 12/10/08, effective 1/10/09. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2980, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-2990 Heating-cooling—Temperature. The assisted living facility must:

(1) Equip each resident-occupied building with an approved heating system capable of maintaining a minimum temperature of 70°F. The assisted living facility must:

(a) Maintain the assisted living facility at a minimum temperature of 60°F during sleeping hours; and

(b) Maintain the assisted living facility at a minimum of 68°F during waking hours, except in rooms:

(i) Designated for activities requiring physical exertion;

(ii) Where residents can individually control the temperature in their own living units, independent from other areas; or

(iii) Where residents cannot individually control the temperature in their own living units, maintain all living units at a temperature range of 70°F to 75°F;

(2) Equip each resident-occupied building with a mechanical air cooling system or equivalent capable of maintaining a temperature of 75°F in communities where the design dry bulb temperature exceeds 85°F two percent of the year per the ASHRAE standards;

(3) Equip each assisted living facility with a backup source of heat in enough common areas to keep all residents adequately warm during interruptions of normal heating operations;

(4) Prohibit the use of portable space heaters unless approved in writing by the Washington state director of fire protection;

(5) Equip each resident sleeping room with individual temperature controls located between eighteen and forty-eight inches above the floor capable of maintaining room temperature plus or minus 3°F from setting, within a range of minimum 60°F to maximum 85°F, these individual temperature controls may be modified to prevent resident access only when:

(a) Appropriate, as documented in resident assessment(s) and their negotiated service plan; and

(b) The temperature range is maintained at a range of 70°F to 75°F.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2990, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2990, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-2990, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2990, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3000 Ventilation. The assisted living facility must meet the ventilation requirements of the mechanical code as adopted and amended by the Washington state building council; and

(1) Ventilate rooms to:

(a) Prevent excessive odors or moisture; and

(b) Remove smoke.

(2) If provided, locate outdoor smoking areas in accordance with Washington state law;

(3) Provide intact sixteen mesh screens on operable windows and openings used for ventilation; and

(4) Ensure window screens that may restrict or hinder escape or rescue through emergency exit openings, do not present an obstacle to facility emergency plans as coordinated with local fire and rescue services.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-3000, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3000, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3000, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3010 Resident units. The assisted living facility resident units must have the following:

(1) **General characteristics:**

(a) Units must have lever door hardware and option for lockable entry doors;

(i) Locking entry doors must unlock with single lever handle motion;

(b) Residents may not enter their rooms through another resident unit or resident bedroom;

(c) The functional program shall identify the number of units or number of licensed beds designed for staff assisted movement, bathing and toileting;

(2) **Number of residents:** Each resident unit shall be limited to not more than two residents.

(3) **Unit configuration types:**

(a) A studio unit or single room;

(b) A companion unit sized appropriately to provide two separate sleeping rooms or spaces of a common entry vestibule;

(c) A one bedroom unit with separate living and sleeping rooms; or

(d) A two bedroom unit with separate living and sleeping rooms;

(4) **Bathrooms:** Access to bathing/toileting facilities within the resident unit must not be through a resident sleeping room or otherwise compromise resident dignity or privacy.

(5) **Sleeping rooms size:**

(a) One person rooms shall have not less than 80 square feet of usable floor space;

(b) Two person rooms shall not have less than 70 square feet of usable floor space per individual;

(c) When a resident sleeping room is located within a private apartment:

(i) The private apartment includes a resident sleeping room, a resident living room, and a private bathroom;

(ii) The total square footage in the private apartment equals or exceeds 220 square feet excluding the bathroom;

(iii) There are no more than two residents living in the apartment; and

(iv) Both residents mutually agree to share the resident sleeping room; and

(v) If all other requirements of this section are met, then the two residents may share a sleeping room with less than 140 square feet; and

(d) All sleeping rooms must be of sufficient size to allow three feet between the bed and the adjacent walls or furnishings and five feet between other beds.

(6) **Calculating floor space:**

(a) Usable floor space in a resident's sleeping room is calculated by measuring from interior wall to interior wall surface;

(b) Including areas of door swings and entryways into the sleeping room; and

(c) Excluding areas under ceilings less than seven feet high, closet space and built-in storage, areas under counters, sinks, or appliances, bathroom, and toilet rooms.

(7) **Room arrangement:**

(a) Each sleeping room must have unrestricted direct access to a hallway, living room, outside, or other common-use area;

(b) A resident sleeping room may not be used as a passageway, hall, intervening room, or corridor.

(8) Miscellaneous: Each sleeping room must have:

(a) One or more outside windows with:

(i) Window sills at or above grade, with grade extending horizontally 10 or more feet from the building; and

(ii) Adjustable curtains, shades, blinds, or equivalent for visual privacy.

(b) Electrical receptacles consistent with the requirements of the electrical code;

(c) A light control switch located by the entrance for a light fixture in the room;

(d) An individual towel and washcloth rack or equivalent, except when there is a private bathroom attached to the resident sleeping or living room, the individual towel and washcloth rack may be located in the attached private bathroom;

(e) A lockable drawer, cupboard, or other secure space measuring a least one-half cubic foot with a minimum dimension of four inches;

(f) Separate storage facilities for each resident in or immediately adjacent to that residents sleeping room to adequately store a reasonable quantity of clothing and personal possessions; and

(g) Separate storage containers for materials used in the administration of intermittent nursing services appropriate to the needs of the resident and documented in the functional program.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-3010, filed 7/15/26, effective 8/15/26. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-3010, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3010, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-3010, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3010, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3011 Resident unit furnishings. (1) The assisted living facility must ensure each resident sleeping room contains:

(a) A bed for each resident, except when:

(i) Two residents mutually agree to share a bed; or

(ii) A resident requests or provides alternate furniture for sleeping.

(b) The bed must be thirty-six or more inches wide for a single resident and fifty-four or more inches wide for two residents, including, but not limited to:

(i) Standard household bed;

(ii) Studio couch;

(iii) Hide-a-bed;

(iv) Day bed; or

(v) Water bed, if structurally and electrically safe.

(c) If using a bed, a mattress for each bed which:

(i) Fits the bed frame;

(ii) Is in good condition; and

(iii) Is at least four inches thick unless otherwise requested or necessary for resident health or safety.

(d) One or more pillows for each resident;

(e) Bedding for each bed, in good repair; and

(f) Lighting at the resident's bedside when requested by the resident.

(2) The assisted living facility may use or allow use of carpets and other floor coverings only when the carpet is:

(a) Securely fastened to the floor or provided with nonskid backing; and

(b) Kept clean and free of hazards, such as curling edges or tattered sections.

(3) The assisted living facility must ensure each resident has either a sleeping room or resident living room that contains a sturdy

chair. This requirement does not mean an assisted living facility is responsible for supplying specially designed orthotic or therapeutic chairs, including those with mechanical lifts or adjustments.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-3011, filed 12/31/19, effective 1/31/20.]

WAC 388-78A-3030 Toilet rooms and bathrooms. (1) The assisted living facility must provide private or common-use toilet rooms and bathrooms to meet the needs of each resident.

(2) The assisted living facility must provide each toilet room and bathroom with:

(a) Water resistant, smooth, low gloss, nonslip, and easily cleanable materials;

(b) Washable walls to the height of splash or spray;

(c) Grab bars installed and located to minimize accidental falls including one or more grab bars at each:

(i) Bathing fixture; and

(ii) Toilet.

(d) Plumbing fixtures designed for easy use and cleaning and kept in good repair; and

(e) Provide mechanical ventilation to the outside; and

(f) Separation from other rooms or areas by four walls and a door.

(3) The assisted living facility must provide each toilet room with a:

(a) Toilet with a clean, nonabsorbent seat free of cracks;

(b) Handwashing sink in or adjacent to the toilet room; and

(c) A mirror with adequate lighting for general illumination.

(4) The assisted living facility must provide a toilet and handwashing sink in, or adjoining, each bathroom.

(5) When providing common-use toilet rooms and bathrooms, for residents who do not have access to a private toilet room in their apartment, the assisted living facility must provide toilets and handwashing sinks for residents in the ratios of one toilet and one handwashing sink for every eight residents. For example: One toilet and one handwashing sink for one to eight residents, two for nine to 16 residents, three for 17 to 24 residents, and so on.

(6) When providing common-use toilet rooms and bathrooms for residents who do not have access to a private bathroom in their apartment, the assisted living facility must provide bathing fixtures for residents in the ratio of one bathing fixture for every 12 residents. For example: One bathing fixture for one to 12 residents, two for 13 to 24 residents, three for 25 to 36 residents, and so on.

(7) When providing common-use toilet rooms and bathrooms, the assisted living facility must:

(a) Designate toilet rooms containing more than one toilet for use by men or women;

(b) Designate bathrooms containing more than one bathing fixture for use by men or women, unless the bathroom is identified as a single resident use only;

(c) Equip each toilet room and bathroom designed for use by, or used by, more than one person at a time, in a manner to ensure visual privacy for each person using the room. The assisted living facility is not required to provide additional privacy features in private

bathrooms with a single toilet and a single bathing fixture located within a private apartment;

(d) Provide a handwashing sink with soap and single use or disposable towels, blower, or equivalent hand-drying device in each toilet room;

(e) Provide reasonable access to bathrooms and toilet rooms for each resident by:

(i) Locating a toilet room on the same floor or level as the sleeping room of the resident served;

(ii) Locating a bathroom on the same floor or level, or adjacent floor or level, as the sleeping room of the resident served;

(iii) Providing access without passage through any kitchen, pantry, food preparation, food storage, or dishwashing area, or from one bedroom through another bedroom; and

(f) Provide and ensure toilet paper is available at each common-use toilet.

(8) The assisted living facility must ensure 25 percent of all resident use, and at least one common use bathing fixtures are roll-in type showers that have:

(a) One-half inch or less threshold that may be a collapsible rubber water barrier; and

(b) A minimum size of 30 inches by 60 inches.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-3030, filed 7/15/26, effective 8/15/26. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-3030, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3030, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-3030, filed 1/15/10, effective 2/15/10. Statutory Authority: Chapters 18.20 and 74.34 RCW. WSR 09-01-052, § 388-78A-3030, filed 12/10/08, effective 1/10/09. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-3030, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3030, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3040 Laundry. (1) The assisted living facility must provide laundry and linen services on the premises, or by commercial laundry.

(2) The assisted living facility must handle, clean, and store linen according to acceptable methods of infection control. The assisted living facility must:

(a) Provide separate areas for handling clean laundry and soiled laundry;

(b) Ensure clean laundry is not processed in, and does not pass through, areas where soiled laundry is handled;

(c) Ensure areas where clean laundry is stored are not exposed to contamination from other sources;

(d) Ensure all staff persons wear gloves and use other appropriate infection control practices when handling soiled laundry; and

(e) Have a utility sink and a table or counter for folding clean laundry.

(3) The assisted living facility must use washing machines that have a continuous supply of hot water with a temperature of 140°F measured at the washing machine intake, or that automatically dispen-

ses a chemical sanitizer as specified by the manufacturer, or that employs alternate sanitization methods recommended by the manufacturer.

(4) The assisted living facility or a resident washing an individual resident's personal laundry, separate from other laundry, may wash the laundry at temperatures below 140°F and without the use of a chemical sanitizer.

(5) The assisted living facility must ventilate laundry rooms and areas to the outside of the assisted living facility, including areas or rooms where soiled laundry is held for processing by off site commercial laundry services.

(6) The assisted living facility must locate laundry equipment in rooms other than those used for open food storage, food preparation, or food service.

(7) The assisted living facility must provide a laundry area or develop and implement policy and procedure to ensure residents have access to an area where residents' may do their personal laundry that is:

(a) Equipped with:

(i) A utility sink;

(ii) A table or counter for folding clean laundry;

(iii) At least one washing machine and one clothes dryer; and

(iv) Mechanical ventilation to the outside of the assisted living facility.

(b) Arranged to reduce the chances of soiled laundry contaminating clean laundry.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-3040, filed 7/15/26, effective 8/15/26. Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-3040, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3040, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-3040, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3040, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3050 Common areas. (1) The assisted living facility must provide one or more common areas in which residents may participate in social and recreational activities. Common areas include, but are not limited to:

(a) Solariums;

(b) Enclosed sun porches;

(c) Recreation rooms;

(d) Dining rooms; and

(e) Living rooms.

(2) The assisted living facility must provide a total minimum floor space for common areas of one hundred-fifty square feet, or twenty square feet per resident, whichever is larger.

(3) The assisted living facility must provide common areas with furniture and furnishings that meet the residents' needs.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-3050, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3050, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19)

and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3050, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3060 Storage space. The assisted living facility must:

(1) Provide adequate storage space for supplies, equipment and linens;

(2) Provide separate, locked storage for disinfectants and poisonous compounds; and

(3) Maintain storage space to prevent fire or safety hazards.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3060, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3060, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3090 Maintenance and housekeeping. (1) The assisted living facility must:

(a) Provide a safe, sanitary and well-maintained environment for residents;

(b) Keep exterior grounds, assisted living facility structure, and component parts safe, sanitary and in good repair;

(c) Keep facilities, equipment and furnishings clean and in good repair; and

(d) Ensure each resident or staff person maintains the resident's quarters in a safe and sanitary condition consistent with the negotiated service agreement.

(2) The assisted living facility must provide housekeeping supply room(s):

(a) Located on each floor of the assisted living facility, except only one housekeeping supply room is required for assisted living facilities licensed for sixteen or fewer beds when there is a means other than using a stairway, for transporting mop buckets between floors;

(b) In proximity to laundry and kitchen areas; and

(c) Equipped with:

(i) A utility sink or equivalent means of obtaining and disposing of mop water, away from food preparation and service areas;

(ii) Storage for wet mops;

(iii) Locked storage for cleaning supplies; and

(iv) Mechanical ventilation to the outside of the assisted living facility.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-3090, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3090, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-3090, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3090, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3100 Safe storage of supplies and equipment. The assisted living facility must secure potentially hazardous supplies and equipment commensurate with the assessed needs of residents and their functional and cognitive abilities. In determining what supplies

and equipment may be accessible to residents, the assisted living facility must consider at a minimum:

(1) The residents' characteristics and needs;

(2) The degree of hazardousness or toxicity posed by the supplies or equipment;

(3) Whether or not the supplies and equipment are commonly found in a private home, such as hand soap or laundry detergent; and

(4) How residents with special needs are individually protected without unnecessary restrictions on the general population.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3100, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3100, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3130 Plant restrictions. The assisted living facility must not use poisonous or toxic plants in areas of the assisted living facility premises accessible to residents who, based on their diagnosed condition or cognitive disabilities, may ingest or have harmful contact with such plants.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3130, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3130, filed 7/30/04, effective 9/1/04.]

Inspections, Enforcement Remedies, and Appeals

WAC 388-78A-3140 Responsibilities during inspections. The assisted living facility must:

(1) Cooperate with the department during any on-site inspection or complaint investigation;

(2) Provide requested records to the representatives of the department; and

(3) Ensure the assisted living facility administrator or the administrator's designee is available during any inspection or complaint investigation to respond to questions or issues identified by department staff.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3140, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3140, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3141 Inspection timelines. (1) In response to the COVID-19 pandemic, the governor suspended the requirement for the department to conduct full licensing inspections of assisted living facilities required by RCW 18.20.110.

(2) During the suspension of the full licensing inspection requirements, the department continued to conduct complaint investigations in assisted living facilities when it became aware of information that indicated an immediate threat to resident health and safety may exist.

(3) The department must prioritize and resume full licensing inspections of assisted living facilities affected by the suspension of the inspection requirements by applying the following criteria collectively:

(a) The department has identified an ongoing threat to the health and safety of residents through one or more reported complaints, previous inspections, or previous investigations;

(b) Whether the assisted living facility has had a remedy imposed in the last 24 months; and

(c) The length of time since the last full licensing inspection of the assisted living facility.

(4) The department must conduct a full licensing inspection for assisted living facilities licensed after the reinstatement of RCW 18.20.110 in accordance with the schedule set by that section.

[Statutory Authority: RCW 18.20.090, 70.97.100, 70.97.230, 70.128.040, and 74.42.620. WSR 22-17-051, § 388-78A-3141, filed 8/11/22, effective 9/11/22.]

WAC 388-78A-3150 Statements of deficiencies. The department will give the administrator or the administrator's designee a written statement of deficiencies report specifying any violations of chapters 18.20, 70.129, or 74.34 RCW, this chapter, or any other applicable laws or rules that the department found during any inspection or complaint investigation.

[Statutory Authority: RCW 18.20.090, 2008 c 146, and chapter 18.20 RCW. WSR 09-01-079, § 388-78A-3150, filed 12/15/08, effective 5/1/09. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3150, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3152 Plan of correction—Required. (1) The assisted living facility must comply with all applicable licensing laws and regulations at all times.

(2) When the department finds the assisted living facility out of compliance with any licensing law or regulation the department will send the home an inspection report with an attestation of correction statement for each cited deficiency.

(3) The assisted living facility must complete an attestation of correction for any inspection report as the department requires.

(4) For purposes of this section an "attestation of correction statement" means a statement developed by the department and signed and dated by the home, that the home:

(a) Has or will correct each cited deficiency; and

(b) Will maintain correction of each cited deficiency.

(5) The home must be able to show to the department, upon request, that, for each deficiency cited, the home has:

(a) A plan of correction and maintaining correction;

(b) Corrected or is correcting each deficiency; and

(c) Maintained or is maintaining compliance.

(6) On each attestation of correction statement, the home must:

(a) Give a date, approved by the department, showing when the cited deficiency has been or will be corrected; and

(b) By signature and date showing that the home has or will correct, and maintain correction, of each deficiency.

(7) The home must return the inspection report, with completed attestation of correction statements, to the department within ten calendar days of receiving the report.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3152, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090, 2008 c 146, and chapter 18.20 RCW. WSR 09-01-079, § 388-78A-3152, filed 12/15/08, effective 5/1/09.]

WAC 388-78A-3160 Authorized enforcement remedies. (1) Whenever the circumstances in WAC 388-78A-3170(1) are present, the department may impose any one or more of the following enforcement remedies authorized by RCW 18.20.050, 18.20.185, and 18.20.190 on an assisted living facility, including:

(a) Denying an assisted living facility license;

(b) Suspending an assisted living facility license or memory care certification;

(c) Revoking an assisted living facility license or memory care certification;

(d) Refusing to renew an assisted living facility license or memory care certification;

(e) Suspending admissions to an assisted living facility, memory care facility, or memory care unit;

(f) Suspending admissions to an assisted living facility of a specific category or categories of residents as related to cited problems;

(g) Imposing conditions on the assisted living facility license;

(h) Imposing civil penalties of not more than $3,000 per day per violation.

(2) Notwithstanding subsection (1) of this section, the department may impose a civil penalty on an assisted living facility of up to $3,000 per day per violation for interference, coercion, discrimination, or reprisal by an assisted living facility as set forth in RCW 18.20.185.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-3160, filed 7/15/26, effective 8/15/26. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3160, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3160, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3170 Circumstances that may result in enforcement remedies. (1) The department is authorized to impose enforcement remedies described in WAC 388-78A-3160 if any person described in subsection (2) of this section is found by the department to have:

(a) A history of significant noncompliance with federal or state laws or regulations in providing care or services to frail elders, vulnerable adults, or children, whether as a licensee, contractor, managerial employee, or otherwise. Evidence of significant noncompliance may include, without limitation:

(i) Citations for violation of laws or regulations imposed by regulating entities;

(ii) Sanctions for violation of laws or regulations imposed by regulating entities;

(iii) Involuntary termination, cancellation, suspension, or nonrenewal of a medicaid contract or medicare provider agreement, or any other agreement with a public agency for the care or treatment of children, frail elders, or vulnerable adults;

(iv) Been denied a license or contract relating to the care of frail elders, vulnerable adults, or children; or

(v) Relinquished or failed to renew a license or contract relating to care of frail elders, vulnerable adults, or children following written notification of the licensing agency's initiation of denial, suspension, cancellation, or revocation of a license.

(b) Failed to provide appropriate care to frail elders, vulnerable adults, or children under a contract, or having such contract terminated, or not renewed by the contracting agency due to such failure;

(c) Failed or refused to comply with the requirements of chapter 18.20 RCW, applicable provisions of chapter 70.129 RCW, or this chapter;

(d) Retaliated against a staff person, resident, or other individual for:

(i) Reporting suspected abuse, neglect, financial exploitation, or other alleged improprieties;

(ii) Providing information to the department during the course of an inspection of the assisted living facility; or

(iii) Providing information to the department during the course of a complaint investigation in the assisted living facility.

(e) Operated a facility for the care of children or vulnerable adults without a current, valid license or under a defunct or revoked license;

(f) Attempted to obtain a contract or license from the department by fraudulent means or by misrepresentation;

(g) A conviction or pending charge for a crime that is not automatically disqualifying under chapter 388-113 WAC, but that:

(i) Was committed on an assisted living facility premises; or knowingly permitted, aided, or abetted an illegal act on an assisted living facility premises;

(ii) Involved the illegal use of drugs or the excessive use of alcohol; or

(iii) Is reasonably related to the competency of the person to operate an assisted living facility.

(h) Abused, neglected, or exploited a vulnerable adult;

(i) Had a sanction or 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;

(j) Failed to report alleged abuse, neglect, or exploitation of a vulnerable adult in violation of chapter 74.34 RCW;

(k) Failed to exercise fiscal accountability and responsibility involving a resident, the department, public agencies, or the business community; or to have insufficient financial resources or unencumbered income to sustain the operation of the assisted living facility;

(l) Knowingly or with reason to know, made false statements of material fact in the application for the license or the renewal of the license or any data attached thereto, or in any matter under investigation by the department;

(m) Willfully prevented or interfered with or attempted to impede in any way any inspection or investigation by the department, or the

work of any authorized representative of the department, or the lawful enforcement of any provision of this chapter;

(n) Refused to allow department representatives or agents to examine any part of the licensed premises including the books, records, and files required under this chapter;

(o) Continue to use terminology such as memory care facility, or dementia care facility, without having been issued a certification under RCW 18.20.540;

(p) Continue to operate a facility or unit within a facility, that has restricted egress, without having been issued a certification under RCW 18.20.540;

(q) Moved all residents out of the assisted living facility without the department's approval and appears to be no longer operating as an assisted living facility; or

(r) Demonstrated any other factors that give evidence the applicant lacks the appropriate character, suitability, and competence to provide care or services to vulnerable adults.

(2) This section applies to any assisted living facility:

(a) Applicant;

(b) Partner, officer, or director;

(c) Manager or managerial employee; or

(d) Majority owner of the applicant or licensee:

(i) Who is involved in the management or operation of the assisted living facility;

(ii) Who may have direct access to assisted living facility residents;

(iii) Who controls or supervises the provision of care or services to assisted living facility residents; or

(iv) Who exercises control over daily operations of the assisted living facility.

(3) For other circumstances resulting in discretionary enforcement remedies, see WAC 388-78A-3200.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-3170, filed 7/15/26, effective 8/15/26. Statutory Authority: RCW 74.39A.056, chapter 18.20 RCW. WSR 14-14-031, § 388-78A-3170, filed 6/24/14, effective 7/25/14. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3170, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3170, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3180 Required enforcement remedies. The department must impose an appropriate remedy consistent with RCW 18.20.125 and as otherwise authorized by RCW 18.20.185 or 18.20.190 whenever the department finds an assisted living facility has:

(1) A serious problem, a recurring problem, or an uncorrected problem;

(2) Created a hazard that causes or is likely to cause death or serious harm to one or more residents;

(3) Discriminated or retaliated in any manner against a resident, employee, or any other person because that person or any other person made a complaint or provided information to the department, the attorney general, a law enforcement agency, or the long-term care ombuds; or

(4) Willfully interfered with the performance of official duties by a long-term care ombuds.

[Statutory Authority: Chapter 18.20 RCW. WSR 14-05-035, § 388-78A-3180, filed 2/12/14, effective 3/15/14; WSR 13-13-063, § 388-78A-3180, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3180, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3181 Remedies—Specific—Civil penalties. (1) The department may impose civil penalties of at least $100 per day per violation.

(2) Fines up to $1,000 per day per violation may be issued under RCW 18.20.190 through June 30, 2019, and thereafter as follows:

(a) Beginning July 1, 2019, through June 30, 2020, the civil penalties may not exceed $2,000 per day per violation; and

(b) Beginning July 1, 2020, the civil penalties may not exceed $3,000 per day per violation.

(3) Fines up to $3,000 may be issued under RCW 18.20.185 for willful interference with a representative of the long-term care ombuds.

(4) Fines up to $3,000 may be issued under RCW 74.39A.060 for retaliation against a resident, employee, or any other person making a complaint, providing information to, or cooperating with, the ombuds, the department, the attorney general's office, or a law enforcement agency.

(5) Fines up to $10,000 may be issued under RCW 18.20.190 for a current or former licensed provider who is operating an unlicensed assisted living facility, uncertified memory care facility, or uncertified memory care unit.

(6) When the assisted living facility fails to pay a fine under this chapter when due, the department may, in addition to other remedies, withhold an amount equal to the fine plus interest, if any, from any contract payment due to the provider from the department.

(7) Civil monetary penalties are due 28 days after the assisted living facility or the owner or operator of an unlicensed assisted living facility is served with notice of the penalty unless the assisted living facility requests a hearing in compliance with chapter 34.05 RCW, RCW 43.20A.215, and this chapter. If the hearing is requested, the penalty becomes due 10 days after a final decision affirming the assessed civil penalty. Thirty days after the department serves the assisted living facility with notice of the penalty, interest begins to accrue at a rate of one percent per month as authorized under RCW 43.20B.695.

(8) All receipts from civil penalties imposed under this chapter must be deposited in the assisted living facility temporary management account per RCW 18.20.430.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-3181, filed 7/15/26, effective 8/15/26. Statutory Authority: RCW 18.20.090. WSR 20-09-108, § 388-78A-3181, filed 4/16/20, effective 5/17/20. Statutory Authority: Chapter 18.20 RCW. WSR 19-18-031, § 388-78A-3181, filed 8/29/19, effective 9/29/19.]

WAC 388-78A-3183 Remedies—Civil fine grid. Effective May 17, 2020, the department will consider the guidance in the tiered sanction grid below when imposing civil fine remedies:

No Harm	Minimal to Moderate Harm		Severe Harm		Imminent Danger, Immediate Threat, or Both
Recurring/ Uncorrected	Initial	Recurring/ Uncorrected	Initial	Recurring/ Uncorrected	Any Violation
Civil fine of at least one hundred dollars per violation.	Civil fine up to two hundred and fifty dollars per violation per day.	Civil fine up to five hundred dollars per violation per day.	Civil fine up to seven hundred and fifty dollars per violation per day.	Civil fine up to one thousand dollars per violation per day.	Civil fine of one thousand dollars per violation per day.

Beginning July 1, 2019, the department will consider the guidance in the tiered sanction grid below when imposing civil fine remedies:

No Harm	Minimal to Moderate Harm		Severe Harm		Imminent Danger, Immediate Threat, or Both
Recurring/ Uncorrected	Initial	Recurring/ Uncorrected	Initial	Recurring/ Uncorrected	Any Violation
Civil fine of at least one hundred dollars per violation.	Civil fine up to two hundred and fifty dollars per violation or a daily civil fine of at least one hundred and twenty-five dollars per day.	Civil fine up to five hundred dollars per violation or a daily civil fine of at least two hundred and fifty dollars per day.	Civil fine up to one thousand dollars per violation or a daily civil fine of at least five hundred dollars per day.	Civil fine up to one thousand five hundred dollars per violation or a daily civil fine of at least seven hundred and fifty dollars per day.	Civil fine of two thousand dollars or daily civil fine of at least one thousand dollars per day.

Beginning July 1, 2020, the department will consider the guidance in the tiered sanction grid below when imposing civil fine remedies:

No Harm	Minimal to Moderate Harm		Severe Harm		Imminent Danger, Immediate Threat, or Both
Recurring/ Uncorrected	Initial	Recurring/ Uncorrected	Initial	Recurring/ Uncorrected	Any Violation
Civil fine of at least one hundred dollars per violation.	Civil fine up to five hundred dollars per violation or a daily civil fine of at least two hundred and fifty dollars per day.	Civil fine up to one thousand dollars per violation or a daily civil fine of at least five hundred dollars per day.	Civil fine up to two thousand dollars per violation or a daily civil fine of at least one thousand dollars per day.	Civil fine up to three thousand dollars per violation or a daily civil fine of at least one thousand five hundred dollars per day.	Civil fine of three thousand dollars or daily civil fine of at least one thousand dollars per day.

For the purpose of this section, the following definitions of harm apply:

(1) **"Minimal"** means violations that result in little to no negative outcome or little or no potential harm for a resident.

(2) **"Moderate"** means violations that result in negative outcome and actual or potential harm for a resident.

(3) **"Severe"** means violations that either result in one or more negative outcomes and significant actual harm to residents that does not constitute imminent danger, or there is a reasonable predictabili-

ty of recurring actions, practices, situations, or incidents with potential for causing significant harm to a resident, or both.

(4) **"Imminent danger"** or **"immediate threat"** means serious physical harm to or death of a resident has occurred, or there is a serious threat to the resident's life, health, or safety.

[Statutory Authority: RCW 18.20.090. WSR 20-09-108, § 388-78A-3183, filed 4/16/20, effective 5/17/20. Statutory Authority: Chapter 18.20 RCW. WSR 19-18-031, § 388-78A-3183, filed 8/29/19, effective 9/29/19.]

WAC 388-78A-3190 Denial, suspension, revocation, or nonrenewal of license statutorily required. (1) The department must deny, suspend, revoke, or refuse to renew an assisted living facility license if any person described in subsection (2) of this section is found by the department to have:

(a) A court has issued a permanent restraining order or order of protection, either active or expired, against the person that was based upon abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult;

(b) The individual is a registered sex offender;

(c) The individual is on a registry based upon a final finding of abuse, neglect or financial exploitation of a vulnerable adult, unless the finding was made by adult protective services prior to October 2003;

(d) A founded finding of abuse or neglect of a child was made against the person, unless the finding was made by child protective services prior to October 1, 1998;

(e) The individual was found in any dependency action to have sexually assaulted or exploited any child or to have physically abused any child;

(f) The individual was found by a court in a domestic relations proceeding under Title 26 RCW, or under any comparable state or federal law, to have sexually abused or exploited any child or to have physically abused any child;

(g) The person has had a contract or license denied, terminated, revoked, or suspended due to abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult; or

(h) The person has relinquished a license or terminated a contract because an agency was taking an action against the individual related to alleged abuse, neglect, financial exploitation or mistreatment of a child or vulnerable adult.

(2) This section applies to any assisted living facility:

(a) Applicant;

(b) Partner, officer or director;

(c) Manager or managerial employee; or

(d) Owner of five percent or more of the applicant:

(i) Who is involved in the operation of the assisted living facility; or

(ii) Who controls or supervises the provision of care or services to the assisted living facility residents; or

(iii) Who exercises control over daily operations.

[Statutory Authority: RCW 74.39A.056, chapter 18.20 RCW. WSR 14-14-031, § 388-78A-3190, filed 6/24/14, effective 7/25/14. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3190, filed 6/18/13, effective 7/19/13. Statutory Authority: Chapters 18.20 and

74.39A RCW. WSR 10-16-085, § 388-78A-3190, filed 7/30/10, effective 1/1/11. Statutory Authority: Chapter 18.20 RCW. WSR 10-03-066, § 388-78A-3190, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-3190, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3190, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3200 Progression of enforcement remedies. (1) When the department cites an assisted living facility for an initial problem that does not represent a recurring problem, serious problem, or uncorrected problem, and that results in minimal or moderate harm that is limited in scope, the department may:

(a) Require a plan of correction from the assisted living facility;

(b) Impose conditions on the assisted living facility license; and/or

(c) Impose a civil penalty.

(2) The department may take any of the actions specified in subsection (1) of this section and/or impose a stop placement or limited stop placement on an assisted living facility when:

(a) There is a reasonable probability, at the time the stop placement or limited stop placement is imposed, at least a moderate degree of harm will occur or recur as a result of a single problem or by a combination of problems; and

(b) The threatening problem is more than an isolated event or occurrence.

(3) The department may take any of the actions specified in subsections (1) and (2) of this section and/or summarily suspend an assisted living facility's license when:

(a) There is an imminent threat that a serious degree of harm may occur to residents as a result of a single problem or a combination of problems; and

(b) The threatening problem is more than an isolated event or occurrence.

(4) The assisted living facility must:

(a) Publicly post any department issued notice of a stop placement order or limited stop placement order in a place visible to residents, visitors, and staff within the assisted living facility; and

(b) Leave the posted notice in place until the department has terminated the stop placement order or limited stop placement order.

(5) The department may take any of the actions specified in subsections (1), (2) and (3) of this section and/or revoke an assisted living facility's license when:

(a) The department has cause to summarily suspend the assisted living facility's license;

(b) There is a current problem with the assisted living facility and the assisted living facility has a history of having enforcement remedies imposed by the department;

(c) There is a current problem with the assisted living facility and the assisted living facility has a history of noncompliance representing problems that were at least moderate in nature and moderate in scope;

(d) The assisted living facility has moved all residents out of the assisted living facility without the department's approval and is no longer operating as an assisted living facility; or

(e) There is a serious current problem, which may not warrant a summary suspension, with the assisted living facility that does not have a history of noncompliance. Examples of the types of serious current problems that may warrant license revocation include, but are not limited to:

(i) The licensee has been found or convicted by a court of competent jurisdiction to have engaged in fraudulent activity; or

(ii) The licensee is experiencing significant financial problems resulting in poor care or jeopardizing the care and services that can be provided to residents, and possible business failure; or

(f) The assisted living facility fails to cooperate with the department during any inspection or complaint investigation.

[Statutory Authority: RCW 18.20.090, 18.51.070, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 26-05-046, s 388-78A-3200, filed 2/12/26, effective 3/15/26. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3200, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3200, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3210 Informal dispute resolution. The assisted living facility has a right to an informal dispute resolution meeting according to department procedure and consistent with RCW 18.20.195. The assisted living facility must make a request for an informal dispute resolution meeting in writing within ten days of the receipt of the written notice of deficiency.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3210, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3210, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3220 Appeal rights. (1) An applicant or assisted living facility:

(a) May contest an enforcement remedy imposed by the department pursuant to RCW 18.20.190 according to the provisions of chapter 34.05 RCW and chapters 10-08 and 388-02 WAC;

(b) Must file any request for an adjudicative proceeding with the office of administrative hearings at the mailing address specified in the notice of imposition of an enforcement remedy within twenty-eight days of receiving the notice.

(2) Orders of the department imposing licensing suspension, stop-placement, or conditions for continuation of a license are effective immediately upon notice and shall continue pending any hearing.

[Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3220, filed 6/18/13, effective 7/19/13. Statutory Authority: RCW 18.20.090. WSR 06-01-047, § 388-78A-3220, filed 12/15/05, effective 1/15/06. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3220, filed 7/30/04, effective 9/1/04.]

WAC 388-78A-3230 Fees. (1) The assisted living facility must:

(a) Submit an annual per bed license fee based on the licensed bed capacity and as established in the state's biennial omnibus appropriation act and any amendment or addition made to that act;

(b) Submit an additional late fee in the amount of $10 per day from the license renewal date until the date of mailing the fee, as evidenced by the postmark; and

(c) Submit to construction review services a fee for the review of the construction documents per the review fee schedule that is based on the project cost.

(2) The assisted living facility must submit an initial certification fee as established by the department when applying for memory care certification.

(3) The assisted living facility must submit an annual certification fee as established by the department when renewing a memory care certification.

[Statutory Authority: RCW 18.20.090 and 18.20.550. WSR 26-15-066, s 388-78A-3230, filed 7/15/26, effective 8/15/26. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-3230, filed 6/18/13, effective 7/19/13; WSR 12-01-003, § 388-78A-3230, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 18.20.050 and 2010 c 37 § 206 (19)(a). WSR 10-21-036, § 388-78A-3230, filed 10/12/10, effective 10/29/10. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-3230, filed 7/30/04, effective 9/1/04.]

GENERAL NOTICE REQUIREMENT

WAC 388-78A-4000 Notice—Service complete. Service of the department notices is complete when:

(1) Personal service is made;

(2) The notice is addressed to the individual or facility 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: Chapter 18.20 RCW. WSR 10-03-066, § 388-78A-4000, filed 1/15/10, effective 2/15/10.]

WAC 388-78A-4010 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 assisted living facility or to the individual to whom 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: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-4010, filed 6/18/13, effective 7/19/13; WSR 10-03-066, § 388-78A-4010, filed 1/15/10, effective 2/15/10.]