

**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 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: 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.]