



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Community, Trade and Economic Development

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: 8/6/02

(2) Purpose: To implement the Long-Term Care Ombudsman Program as provided for in Chapter 43.190 RCW and the Older Americans Act of 1965 (42 U.S.C. et seq., as amended).

(3) Citation of existing rules affected by this order:

Repealed:
 Amended: 365-18-040 (1) (a), (b) and (c)
 Suspended:

(4) Statutory authority for adoption: Chapter 43.190 RCW

Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR ~~00-09-060~~ on 5/22/02 (date).

Describe any changes other than editing from proposed to adopted version: none

02-12-001 mh

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

Yes No If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- 31 days after filing
- Other (specify) _____*

Emergency Rules

- Immediately
- Later (specify)

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY

Name (Type or Print)

Martha Choe

Signature

Martha Choe

Title
Director

Date
8/6/02

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

AUG 9 2002

TIME

1026

AM
PM

02-17-018

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New	Amended <u>1</u>	Repealed

The number of sections adopted at the request of a nongovernmental entity:

New	Amended	Repealed
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The number of sections adopted in the agency's own initiative:

New	Amended	Repealed
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	Amended	Repealed
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The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed
Pilot rule making:	New	Amended	Repealed
Other alternative rule making:	New	Amended	Repealed

AMENDATORY SECTION (Amending WSR 00-09-060, filed 4/17/00, effective 5/18/00)

WAC 365-18-040 Conflicts of interest. (1) All ombudsmen shall be free from conflicts of interests, including:

(a) No ombudsman shall be or have been employed by or participated in the management of any long-term care facility, or have or have had the right to receive remuneration from a long-term care facility, including work as a paid consultant or independent contractor, currently or within (~~three years from the start of his or her duties as an ombudsman~~) the past year;

(b) No ombudsman or member of his or her immediate family shall have, or have had within the past (~~three~~) year(~~s~~), any pecuniary interest in a long-term care facility or a long-term care service;

(c) No ombudsman shall have a direct involvement in the licensing, certification, or regulation of a long-term care facility or of a long-term care service during his or her tenure as an ombudsman or within the past year;

(d) No ombudsman shall be assigned to or work in a long-term care facility in which the ombudsman or a member of his/her immediate family resides;

(e) No ombudsman shall solicit or be the beneficiary of gifts, money or estate property from residents in any facility in which he or she has served or is serving as ombudsman. This subsection shall not prohibit an ombudsman from receiving gifts, money, or estate property from a resident who is a relative of the ombudsman;

(f) No ombudsman may work for an agency or entity in which the ombudsman has direct personal involvement in the provision or establishment of involuntary services or in the involuntary commitment of a resident.

(2) No individual, or immediate family member of such an individual, who is involved in the designation or removal of the state ombudsman, or the designation or revocation of the contractor or subcontractors, or who administers or oversees the contractor's or subcontractor's contract, may be an official or employee of any agency or organization that conducts the licensing, certification, or regulation of long-term care facilities, or that owns, operates, or manages such facilities.