Chapter 388-76 WAC

ADULT FAMILY HOME MINIMUM LICENSING REQUIREMENTS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-76-010 Authority. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-010, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-010, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-020 Adult family homes. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-020, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-020, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-030 Definitions. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-030, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 70.128.040. WSR 91-09-016 (Order 3131), § 388-76-030, filed 4/9/91, effective 5/10/91. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-030, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-030, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-040 Application or renewal for license. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-040, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 70.128.040. WSR 91-09-016 (Order 3131), § 388-76-040, filed 4/9/91, effective 5/10/91. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-040, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-040, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-045 Unlicensed facilities. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-045, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-045, filed 1/16/90, effective 2/16/90.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-050 Licensing of state employees. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-050, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-050, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-060 Limitations on licenses. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-060, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-060, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-070 General qualifications of provider, staff persons, and other persons on the premises. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-070, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-070, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-070, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-080 Multiple facility ownership. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-080, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 74.08.044. WSR 89-05-033 (Order 2761), § 388-76-080, filed 2/13/89.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-085 General standards. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-085, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-085, filed 1/16/90, effective 2/16/90.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-087 Inspections. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-087, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 70.128.040. WSR 91-09-016 (Order 3131), § 388-76-087, filed 4/9/91, effective 5/10/91. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-087, filed 1/16/90, effective 2/16/90.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-090 Licensure—Denial, suspension, or revocation. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-090, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-090, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-090, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-095 License action notice—Adjudicative proceeding. [Statutory Authority: RCW 74.08.044. WSR 90-24-029 (Order 3107), § 388-76-095, filed 11/30/90, effective 1/1/91. Statutory Authority: RCW 34.05.220 (1)(a) and 74.08.044. WSR 90-04-071 (Order 3003), § 388-76-095, filed 2/5/90, effective 3/1/90.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-100 License fees. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-100, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-100, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-100, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-10155 Unsupervised access to vulnerable adults—Prohibited. [Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10155, filed 10/16/07, effective 1/1/08.] Repealed by WSR 10-16-082, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW.

388-76-10162 Background check—National fingerprint checks—Who is required to have. [Statutory Authority: RCW 70.128.-040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10162, filed 7/30/10, effective 1/1/11.] Repealed by WSR 12-16-087, filed 7/31/12, effective 8/31/12. Statutory Authority: RCW 70.128.040.

388-76-10173 Disclosure of employee information—Employer immunity—Rebuttable presumption. [Statutory Authority: RCW 70.128.040. WSR 09-03-030, § 388-76-10173, filed 1/12/09, effective 2/12/09.] Repealed by WSR 10-16-082, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW.

388-76-10185 Employment—Certain criminal history—Permitted. [Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10185, filed 10/16/07, effective 1/1/08.] Repealed by WSR 10-04-008, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040.

388-76-10190 Adult family home—Compliance with regulations—Required. [Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10190, filed 10/16/07, effective 1/1/08.] Repealed by WSR 10-03-064, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040.

388-76-10785 Water hazards—Enclosures and safety devices. [Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10785, filed 10/16/07, effective 1/1/08.] Repealed by WSR 09-03-030, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040.

388-76-10820 Resident evacuation capabilities and location of resident bedrooms. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10820, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10820, filed 10/16/07, effective 1/1/08.] Repealed by WSR 16-20-095, filed 10/4/16, effective 11/4/16. Statutory Authority: Chapter 70.128 RCW.

388-76-10880 Emergency evacuation adult family home bedrooms. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10880, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10880, filed 10/16/07, effective 1/1/08.] Repealed by WSR 16-20-095, filed 10/4/16, effective 11/4/16. Statutory Authority: Chapter 70.128 RCW.

388-76-110 Discrimination prohibited. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-110, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-110, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-110, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-11000 Resident protection program—Investigation of reports. [Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-11000, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-11004 Resident protection program—Individual defined. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11004, filed 1/15/10, effective 2/15/10.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-11005 Resident protection program—Notice to individual of preliminary finding. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11005, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-11005, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-11010 Resident protection program—Notice to others of preliminary finding. [Statutory Authority: RCW 70.128.-040. WSR 10-03-064, § 388-76-11010, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.-040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-11010, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-11015 Resident protection program—Disputing a preliminary finding. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11015, filed 1/15/10, effective 2/15/10; WSR 09-03-030, § 388-76-11015, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-11015, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-11020 Resident protection program—Hearing procedures to dispute preliminary finding. [Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-11020, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-11025 Resident protection program—Finalizing a preliminary finding. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11025, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-11025, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-11030 Resident protection program—Appeal of the initial order or finding. [Statutory Authority: RCW 70.128.-040. WSR 10-03-064, § 388-76-11030, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.-040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-11030, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-11035 Resident protection program—Reporting final findings. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11035, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-11035, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-11040 Resident protection program—Disclosure of investigative and finding information. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11040, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-11040, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-130 Persons subject to licensing. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-130, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-130, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-130, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-140 Persons not subject to licensing. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-140, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-140, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-155 Exceptions. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-155, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-155, filed 1/16/90, effective 2/16/90.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-160 Capacity. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-160, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-160, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-160, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-170 Providers' or resident managers' outside employment. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-170, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-170, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 89-05-033 (Order 2761), § 388-76-170, filed 2/13/89; WSR 86-01-079 (Order 2319), § 388-76-170, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-180 Provider or resident manager absence from home. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-180, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-180, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-180, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-185 Placement of residents outside home. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-185, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-185, filed 1/16/90, effective 2/16/90.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-190 Effect of local ordinances. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-190, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-190, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-200 Fire safety. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-200, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-200, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-200, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-220 Corporal punishment and physical and chemical restraints. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-220, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-220, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-220, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-240 Resident's records and information. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-240, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-240, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-240, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-250 Reporting of illness, death, injury, epidemic, or adult abuse. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-250, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-250, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-250, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-260 Reporting change in circumstances. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-260, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-260, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-260, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-280 Provider or resident manager-provided transportation for residents. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-280, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-280, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-280, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-290 Clothing. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-290, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 74.08.044. WSR 90-24-028 (Order 3106), § 388-76-290, filed 11/30/90, effective 1/1/91. Statutory Author-

ity: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-290, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-290, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-300 Personal hygiene. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-300, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-300, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-300, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-310 Training. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-310, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-310, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-310, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-320 Site. [Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-320, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-325 Telephone. [Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-325, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-330 Safety and maintenance. [Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-330, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-340 Water safety. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-340, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-340, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-340, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-350 Firearms. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-350, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-350, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-350, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-360 Storage. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-360, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-360, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-360, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-370 Bedrooms. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-370, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-370, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-370, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-380 Kitchen facilities. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-380, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-380, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-390 Laundry. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-390, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-390, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-390, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-400 Toilets, lavatories, and bathing facilities. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-400, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-400, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-405 Common use areas. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-405, filed 10/1/92, effective 11/1/92.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-410 Lighting. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-410, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-410, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-410, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-420 Pest control. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-420, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-420, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-420, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-430 Sewage and liquid wastes. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-430, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-430, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-430, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-435 Pets. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-435, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-435, filed 1/16/90, effective 2/16/90.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-440 Water supply. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-440, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-440, filed 1/16/90, effective 2/16/90. Statutory Author-

ity: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-440, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-450 Temperature. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-450, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-450, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-460 Ventilation. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-460, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-460, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-465 Resident rights. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-465, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-465, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-465, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-467 Advance directives. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-467, filed 10/1/92, effective 11/1/92.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-470 Health care plan. [Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-470, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-475 Service plan. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-475, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-475, filed 1/16/90, effective 2/16/90.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-480 First aid. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-480, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-480, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-480, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-490 Medication services. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-490, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-490, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-490, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-500 Self-administration of medications. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-500, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-500, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-520 Infection control, communicable disease. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-520, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-520, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-520, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-530 Food services. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-530, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-530, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-530, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-535 Authority. [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-15-081, § 388-76-535, filed 7/15/02, effective 8/15/02. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-535, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-540 Definitions. [Statutory Authority: RCW 70.128.040. WSR 05-17-158, § 388-76-540, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 74.08.090, 74.09.-520, and 74.39A.090. WSR 02-21-098, § 388-76-540, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-540, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.-060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-540, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-545 License required. [Statutory Authority: RCW 70.128.-040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-545, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-550 License application. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-550, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.-060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-550, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-555 License fees. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-555, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-560 License eligibility. [Statutory Authority: RCW 70.128.-040. WSR 05-17-158, § 388-76-560, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.-040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-560, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-560, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-565 Resident manager and live-in requirements. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-565, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-570 Additional license requirements—Multiple facility providers. [Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. WSR 02-15-065, § 388-76-570, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-570, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-570, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-575 Licensing of state employees. [Statutory Authority: RCW 70.128.040. WSR 05-17-158, § 388-76-575, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-575, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-580 License capacity. [Statutory Authority: RCW 70.128.-040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-580, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-585 Change of provider or provider address. [Statutory Authority: RCW 70.128.040. WSR 05-17-158, § 388-76-585, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-585, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-590 Specialty adult family homes. [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-590, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-590, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-59000 What authority does the department have to adopt rules related to specialty homes? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59000, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-59010 What types of specialty adult family home designations are there? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59010, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-59020 What definitions apply to specialty adult family home designations? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59020, filed 5/29/98, effective 7/1/98.] Repealed by WSR 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.

388-76-59050 What is required in order to obtain the specialty designation? [Statutory Authority: RCW 70.128.040, 70.128.-060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59050, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-59060 Are adult family home providers required to obtain more than one specialty designation if an individual resident has more than one specialty need? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59060, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-59070 Are adult family home providers required to obtain more than one specialty designation if they serve two or more residents with different specialty needs? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59070, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-59080 When will providers be required to become specialty adult family homes in order to serve persons with mental illness or dementia? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59080, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-59090 When will providers be required to become specialty adult family homes in order to serve persons with developmental disabilities? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59090, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-59100 Does completion of this training substitute for any other required trainings? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59100, filed 5/29/98, effective 7/1/98.] Repealed by WSR 02-15-065, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233.

388-76-59110 For the dementia and mental health specialties can providers take a test instead of attending the training? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59110, filed 5/29/98, effective 7/1/98.] Repealed by WSR 02-15-065, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233.

388-76-59120 Are there any different training requirements for adult family homes providing services to persons with developmental disabilities? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59120, filed 5/29/98, effective 7/1/98.] Repealed by WSR 02-15-065, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233.

388-76-595 Inspections and ombudsman visits. [Statutory Authority: RCW 70.128.040. WSR 05-17-158, § 388-76-595, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-595, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-595, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-600 General resident rights. [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-600, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-600, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-60000 What are resident rights? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-60000, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-60010 Why do providers need to know resident rights? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-60010, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-60020 Is the provider required to supply information to potential residents and current residents, or the resident's representative? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-60020, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-60030 When must this information be supplied? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-60030, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-60040 Must the information be updated and supplied again in advance of changes? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-60040, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-60050 What information is the provider required to supply to potential residents and current residents? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-60050, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-60060 Do residents have rights that are not listed here? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-60060, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-60070 What are some of the other resident rights that must be considered? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-60070, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-605 Restraints. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-605, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-605, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-610 Resident assessment. [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-610, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-610, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61000 Is an assessment needed before a person can be admitted to an adult family home? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61000, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61010 Under what circumstances can a provider admit or continue services for a person? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61010, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61020 What must be included in the resident assessment? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61020, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61030 How does the preliminary service plan fit within the resident assessment? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61030, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61040 Is the use of an approved form required for the assessment? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61040, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61050 Who can do the assessment? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61050, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61060 In emergency situations, can a provider admit a resident without an assessment? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61060, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61070 Does the assessment have to be updated? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61070, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61080 Who is qualified to update the assessment? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61080, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-615 Negotiated care plan. [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-615, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-615, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61500 What is a negotiated care plan? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61500, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61510 When must the negotiated care plan be developed? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-15-081, § 388-76-61510, filed 7/15/02, effective 8/15/02. Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61510, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61520 How does the negotiated care plan fit in with the assessment and preliminary service plan? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW

and 1998 c 272. WSR 98-12-054, § 388-76-61520, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61530 Who must be involved in the development of the negotiated care plan? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61530, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61540 Who must sign the negotiated care plan? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61540, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61550 How often must the negotiated care plan be reviewed and revised? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61550, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61560 When does the department's case manager get a copy of the negotiated care plan? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61560, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61570 How are payment rate changes authorized for residents receiving services paid for fully or partially by the department? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61570, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-620 Provision of services and care. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-620, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-620, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-625 Nurse delegation—Training and registration. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-625, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-630 Performance of delegated nursing care tasks. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-630, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-635 Nurse delegation—Penalties. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-635, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-635, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-640 Resident medications. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-640, filed 6/19/96, effective 7/20/96.] Repealed by WSR 02-20-005, filed 9/18/02, effective 10/19/02. Statutory Authority: RCW 70.128.040, 69.41.085.

388-76-64005 Definitions. [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64005, filed 9/18/02, effective 10/19/02.] Repealed by WSR 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.

388-76-64010 What are the rules the provider must follow in all situations involving resident medications? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64010, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64015 What defines the type of help a resident may need when taking their medication? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64015, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64020 What must the provider include in the negotiated care plan for residents who are independent with self-administration? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64020, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64025 How do a resident and provider initiate self-administration with assistance? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64025, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64030 What must the provider monitor when implementing self-administration with assistance? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64030, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64035 What other situations must the provider monitor when self-administration with assistance occurs for a resident? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64035, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64040 What must the provider do when there is a need to alter medications during self-administration with assistance? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64040, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64045 What other types of assistance can a nonpractitioner provide? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64045, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64050 Who can fill medication organizers and what is required? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64050, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64055 What documentation is the provider required to include in the resident's daily medication log? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64055, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-645 Resident activities. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-645, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-650 Food services. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-650, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-655 General management and administration. [Statutory Authority: RCW 70.128.040. WSR 05-17-158, § 388-76-655, filed 8/22/05, effective 9/22/05; WSR 03-14-018, § 388-76-655, filed 6/19/03, effective 7/20/03. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. WSR 02-15-065, § 388-76-655, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-655, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-655, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-660 Training. [Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. WSR 02-15-065, § 388-76-660, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-660, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.-060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-660, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-665 Resident records. [Statutory Authority: RCW 70.128.-040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-665, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-665, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-670 Disaster and emergency preparedness. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-670, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-670, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-675 Reporting requirements. [Statutory Authority: RCW 74.34.165, 74.34.020, and 74.34.035. WSR 04-01-032, § 388-76-675, filed 12/8/03, effective 1/8/04. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-675, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-675, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-680 Infection control and communicable disease. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-680, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-680, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-685 Criminal history disclosure and background inquiries. [Statutory Authority: RCW 70.128.040. WSR 05-17-158, § 388-76-685, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-685, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-685, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-690 Advance directives, guardianship, and decision making. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-690, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-690, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-695 Protection of resident funds—Liquidation or transfer. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-695, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-695, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-700 Resident relocation due to closure. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-700, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-705 Remedies. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-705, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-705, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-710 Notice, hearing rights, and effective dates relating to imposition of remedies. [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-15-081, § 388-76-710, filed 7/15/02, effective 8/15/02. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-710, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-715 Dispute resolution. [Statutory Authority: RCW 70.128.-040. WSR 05-17-158, § 388-76-715, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.-040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-715, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-720 Common use areas. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-720, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-725 Bedrooms. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-725, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-730 Toilets and bathing facilities. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-730, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-735 Kitchen facilities. [Statutory Authority: RCW 70.128.-040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-735, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-740 Telephones. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-740, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-745 Storage. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-745, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-750 Laundry. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-750, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-755 Local ordinances. [Statutory Authority: RCW 70.128.-040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-755, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-760 Site. [Statutory Authority: RCW 70.128.040, 70.128.-060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-760, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-765 Fire safety. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-765, filed 6/19/96, effective 7/20/96.] Repealed by WSR 02-20-004, filed 9/18/02, effective 10/19/02. Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140.

388-76-76505 What physical structure requirements must the provider ensure that the home meets? [Statutory Authority: RCW 70.128.040 and chapter 70.128 RCW. WSR 05-07-137, § 388-76-76505, filed 3/22/05, effective 4/22/05. Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140. WSR 02-20-004, § 388-76-76505, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-76510 What are the resident emergency evacuation requirements that providers must address? [Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140. WSR 02-20-004, § 388-76-76510, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-76515 What fire safety and emergency requirements must the provider have in the home? [Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140. WSR 02-20-004, § 388-76-76515, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-76520 What is required of the provider for emergency evacuation drills? [Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140. WSR 02-20-004, § 388-76-76520, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-770 Safety and maintenance. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-770, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-775 Pets. [Statutory Authority: RCW 70.128.040, 70.128.-060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-775, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-780 Lighting. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-780, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-785 Temperature and ventilation. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-785, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-790 Water supply. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-790, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-795 Sewage and liquid wastes. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-795, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-9970 Purpose. [Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). WSR 97-18-089, § 388-76-9970, filed 9/3/97, effective 9/4/97.] Repealed by WSR 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.

388-76-9972 Definitions. [Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). WSR 97-18-089, § 388-76-9972, filed 9/3/97, effective 9/4/97.] Repealed by WSR 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.

388-76-9974 Effective date of the moratorium. [Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). WSR 97-18-089, § 388-76-9974, filed 9/3/97, effective 9/4/97.] Repealed by WSR 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.-040.

388-76-9976 Process for requesting an individual accommodation. [Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). WSR 97-18-089, § 388-76-9976, filed 9/3/97, effective 9/4/97.] Repealed by WSR 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.

388-76-9978 Applications that will be processed during the moratorium. [Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). WSR 97-18-089, § 388-76-9978, filed 9/3/97, effective 9/4/97.] Repealed by WSR 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.

388-76-9980 Notification of the end of the moratorium. [Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). WSR 97-18-089, § 388-76-9980, filed 9/3/97, effective 9/4/97.] Repealed by WSR 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.

DEFINITIONS

WAC 388-76-10000 Definitions. "Abandonment" means action or inaction by a person or entity with a duty of care for a frail elder or vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment of a vulnerable adult.

(1) 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.

(2) 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:

(a) **"Sexual abuse"** means any form of nonconsensual sexual conduct, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse also includes any sexual conduct between a staff person, who is not also a resident or 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 consensual.

(b) **"Physical abuse"** means the willful 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.

(c) **"Mental abuse"** means a willful 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.

(d) **"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.

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

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

(ii) Is not medically authorized; or

(iii) Otherwise constitutes abuse under this section.

"Adult family home" means:

(1) A residential home in which a person or an entity is licensed to provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to a licensed operator, resident manager, or caregiver, who resides in the home.

(2) As used in this chapter, the term "entity" includes corporations, partnerships and limited liability companies, and the term "adult family home" includes the person or entity that is licensed to operate an adult family home.

"Affiliated with an applicant" means any person listed on the application as a partner, officer, director, resident manager, or majority owner of the applying entity, or is the spouse or domestic partner of the applicant.

"Applicant" means an individual, partnership, corporation, or other entity seeking a license to operate an adult family home.

"Capacity" means the maximum number of persons in need of personal or special care who are permitted to reside in an adult family home at a given time. The capacity includes:

(1) The number of related children or adults in the home who receive personal or special care and services; plus

(2) The number of residents the adult family home may admit and retain - The resident capacity. The capacity number listed on the license is the "resident capacity."

"Caregiver" means any person eighteen years of age or older responsible for providing direct personal or special care to a resident and who is not the provider, entity representative, a student or volunteer.

"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 a 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.

"Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

"Dementia" is defined as a condition documented through the assessment process required by WAC 388-76-10335.

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

"Department case manager" means the department authorized staff person or designee assigned to negotiate, monitor, and facilitate a care and services plan for residents receiving services paid for by the department.

"Developmental disability" means:

(1) A person who meets the eligibility criteria defined by the division of developmental disabilities under WAC 388-823-0040; or

(2) A person with a severe, chronic disability which is attributable to cerebral palsy or epilepsy, or any other condition, other than mental illness, found to be closely related to mental retardation which results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation, and requires treatment or services similar to those required for these persons (i.e., autism); and

(a) The condition was manifested before the person reached age eighteen;

(b) The condition is likely to continue indefinitely; and

(c) The condition results in substantial functional limitations in three or more of the following areas of major life activities:

(i) Self-care;

(ii) Understanding and use of language;

(iii) Learning;

(iv) Mobility;

(v) Self-direction; and

(vi) Capacity for independent living.

"Direct supervision" means oversight by a person who has demonstrated competency in the basic training and specialty training if required, or who has been exempted from the basic training requirements and is:

(1) On the premises; and

(2) Quickly and easily available to the caregiver.

"Domestic partners" means two adults who meet the requirements for a valid state registered domestic partnership as established by RCW 26.60.030 and who have been issued a certificate of state registered domestic partnership.

"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(7).

"Financial solvency" means that the applicant or provider is able to meet debts or financial obligations with some money to spare.

"Entity representative" means the individual designated by a provider who is or will be responsible for the daily operation of the adult family home and who meets the requirements of this chapter and chapter 388-112 WAC.

"Home" means adult family home.

"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.

"Indirect supervision" means oversight by a person who:

(1) Has demonstrated competency in the basic training and specialty training if required; or

(2) Has been exempted from the basic training requirements; and

(3) Is quickly and easily available to the care giver, but not necessarily on-site.

"Inspection" means a review by department personnel to determine the health, safety, and well-being of residents, and the adult family home's compliance with this chapter and chapters 70.128, 70.129, 74.34 RCW, and other applicable rules and regulations. The department's review may include an on-site visit.

"Management agreement" means a written, executed agreement between the adult family home and another individual or entity regarding the provision of certain services on behalf of the adult family home.

"Mandated reporter" means an employee of the department, law enforcement, officer, social worker, professional school personnel, individual provider, an employee of a facility, an employee of a social service, welfare, mental health, adult day health, adult day care, or hospice agency, county coroner or medical examiner, Christian Science practitioner, or health care provider subject to chapter 18.130 RCW. For the purpose of the definition of a mandated reporter, **"Facility"** means a residence licensed or required to be licensed under chapter 18.20 RCW (Assisted living facilities), 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.

"Mechanical restraint" means any device attached or adjacent to the vulnerable adult's body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her 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.

"Medical device" as used in this chapter, means any piece of medical equipment used to treat a resident's assessed need.

(1) A medical device is not always a restraint and should not be used as a restraint;

(2) Some medical devices have considerable safety risks associated with use; and

(3) Examples of medical devices with known safety risks when used are transfer poles, Posey or lap belts, and side rails.

"Medication administration" means giving resident medications by a person legally authorized to do so, such as a physician, pharmacist or nurse.

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

"Mental illness" is defined as an Axis I or II diagnosed mental illness as outlined in volume IV of the Diagnostic and Statistical Manual of Mental Disorders (a copy is available for review through the aging and disability services administration).

"Minimal" means violations that result in little or no negative outcome and/or little or no potential harm for a resident.

"Moderate" means violations that result in negative outcome and actual or potential harm for a resident.

"Multiple facility provider" means a provider who is licensed to operate more than one adult family home.

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

(2) An act or omission by a person or entity with 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.

"Nurse delegation" means a registered nurse transfers the performance of selected nursing tasks to competent nursing assistants in selected situations. The registered nurse delegating the task retains the responsibility and accountability for the nursing care of the resident.

"Over-the-counter medication" is any medication that can be purchased without a prescriptive order, including but not limited to vitamin, mineral, or herbal preparations.

"Permanent restraining order" means a restraining order and/or order of protection issued either following a hearing, or by stipulation of the parties. A "permanent" order may be in force for a specific time period (for example, one year), after which it expires.

"Personal care services" means both physical assistance and/or prompting and supervising the performance of direct personal care tasks as determined by the resident's needs and does not include assistance with tasks performed by a licensed health professional.

"Physical restraint" means 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 briefly holding without undue force on a vulnerable adult in order to calm or comfort him or her, or holding a vulnerable adult's hand to safely escort him or her from one area to another.

"Placement agency" is an "elder or vulnerable adult referral agency" as defined in chapter 18.330 RCW and means a business or person who receives a fee from or on behalf of a vulnerable adult seeking a referral to care services or supportive housing or who receives a fee from a care services provider or supportive housing provider because of any referral provided to or on behalf of a vulnerable adult.

"Practitioner" includes a physician, osteopathic physician, podiatric physician, pharmacist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, dentist, and physician assistant licensed in the state of Washington.

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

"Provider" means:

(1) Any person who is licensed to operate an adult family home and meets the requirements of this chapter; or

(2) Any corporation, partnership, or limited liability company that is licensed under this chapter to operate an adult family home and meets the requirements of this chapter.

"Psychopharmacologic medications" means the class of prescription medications, which includes but is not limited to antipsychotics, antianxiety medications, and antidepressants, capable of affecting the mind, emotions, and behavior.

"Recurring" or **"repeated"** means that the department has cited the adult family home for a violation of applicable licensing laws or rules and the circumstances of (1) and (2) of this definition are present:

(1) The department previously imposed an enforcement remedy for a violation of the same section of law or rule for substantially the same problem following any type of inspection within the preceding thirty-six months; or

(2) The department previously cited a violation under the same section of law or rule for substantially the same problem following any type of inspection on two occasions within the preceding thirty-six months.

(3) If the previous violation in (1) or (2) of this definition was pursuant to a law or rule that has changed at the time of the new violation, a citation to the equivalent current law or rule section is sufficient.

"Resident" means any adult unrelated to the provider who lives in the adult family home and who is in need of care. Except as specified elsewhere in this chapter, for decision-making purposes, the term "resident" includes the resident's surrogate decision maker acting under state law.

"Resident manager" means a person employed or designated by the provider to manage the adult family home and who meets the requirements of this chapter.

"Serious" means violations that result in one or more negative outcomes and significant actual harm to residents that does not constitute imminent danger; and/or, there is reasonable predictability of recurring actions, practices, situations or incidents with potential for causing significant harm to a resident.

"Severity" means the seriousness of a violation as determined by actual or potential negative outcomes for residents and subsequent actual or potential for harm. Outcomes include any negative effect on the resident's physical, mental or psychosocial well-being (i.e., safety, quality of life, quality of care).

"Significant change" means:

(1) A lasting change, decline or improvement in the resident's baseline physical, mental or psychosocial status;

(2) The change is significant enough so the current assessment and/or negotiated care plan do not reflect the resident's current status; and

(3) A new assessment may be needed when the resident's condition does not return to baseline within a two week period of time.

"Special care" means care beyond personal care services as defined in this section.

"Staff" means any person who:

(1) Is employed or used by an adult family home, directly or by contract, to provide care and services to any resident.

(2) Staff must meet all of the requirements in this chapter and chapter 388-112 WAC.

"Temporary restraining order" means restraining order or order of protection that expired without a hearing, was dismissed following an initial hearing, or was dismissed by stipulation of the parties before an initial hearing.

"Uncorrected" means the department has cited a violation of WAC or RCW following an inspection and the violation remains uncorrected at the time of a subsequent inspection for the specific purpose of verifying whether such violation has been corrected.

"Unsupervised" means not in the presence of:

(1) Another employee or volunteer from the same business or organization; or

(2) Any relative or guardian of any of the children or individuals with developmental disabilities or vulnerable adults to which the employee, student or volunteer has access during the course of his or her employment or involvement with the business or organization.

"Usable floor space" means resident bedroom floor space exclusive of:

(1) Toilet rooms;

(2) Closets;

(3) Lockers;

(4) Wardrobes;

(5) Vestibules; and

(6) The space required for the door to swing if the bedroom door opens into the resident bedroom.

"Water hazard" means any body of water over twenty-four inches in depth that can be accessed by a resident, and includes but not limited to:

(1) In-ground, above-ground, and on-ground pools;

(2) Hot tubs, spas;

(3) Fixed-in-place wading pools;

(4) Decorative water features;

(5) Ponds; or

(6) Natural bodies of water such as streams, lakes, rivers, and oceans.

"Willful" means the deliberate or nonaccidental action or inaction by an individual that he/she knew or reasonably should have known could cause a negative outcome, including harm, injury, pain or anguish.

"Vulnerable adult" includes a person:

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

(2) Found incapacitated under chapter 11.88 RCW;

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

(4) Admitted to any 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) With a functional disability who lives in his or her own home, who is directing and supervising a paid personal aide to perform a health care task as authorized by RCW 74.39.050.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10000, filed 10/4/16, effective 11/4/16; WSR 16-06-004, § 388-76-10000, filed 2/17/16, effective 4/1/16; WSR 15-03-037, § 388-76-10000, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10000, filed 6/24/14, effective 7/25/14. Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10000, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10000, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10000, filed 1/15/10, effective 2/15/10; WSR 09-03-029, § 388-76-10000, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10000, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10002 Department authority. Under chapter 70.128 RCW, the department is authorized to take actions in response to adult family home noncompliance or violations of requirements of this chapter or rules adopted under chapters 70.128, 70.129, and 74.34 RCW.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10002, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10003 Department access. (1) The applicant must allow the department staff to inspect the entire premises including all of the home's rooms, buildings, grounds, and equipment and all pertinent records during the initial licensing of the home.

(2) During inspections, the adult family home must allow the department staff to examine all areas and articles in the home that are used to provide care or support to residents, including the physical premises and residents' records and accounts. The physical premises includes the buildings, grounds, and equipment. The provider's personal records unrelated to the operation of the adult family home are not subject to department review. The provider's separate bedroom will not be subject to review and inspection unless it is used to provide direct care to a resident.

(3) During complaint investigations, the adult family home must give department staff access to the entire premises and all records related to the residents or operation of the home. Department staff are authorized to interview the provider, family members, and individuals residing in the home including residents.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10003, filed 1/15/10, effective 2/15/10.]

LICENSE

WAC 388-76-10005 License—Required. (1) Any person or entity must have a license by the department to operate an adult family home.

(2) No person or entity may provide personal care, special care, and room and board for more than one resident without a license.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10005, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10010 License—Valid and not transferable. (1) The adult family home is not required to renew the license each year.

(2) The license remains valid unless:

(a) The department takes enforcement action to suspend or revoke the license per law;

(b) The home voluntarily surrenders the license and closes the home;

(c) The home relinquishes the license; or

(d) The home fails to pay the annual licensing fee.

(3) The home license is:

(a) Not transferable; and

(b) Valid only for the provider and address listed on the license.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10010, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10015 License—Adult family home—Compliance required. (1) The licensed adult family home must comply with all the requirements established in chapters 70.128, 70.129, 74.34 RCW, this chapter and other applicable laws and regulations including chapter 74.39A RCW; and

(2) The provider is ultimately responsible for the day-to-day operation of each licensed home.

(3) The provider must promote the health, safety, and well-being of each resident residing in each licensed adult family home.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10015, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10015, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10015, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10020 License—Ability to provide care and services. The provider must have the:

(1) Understanding, ability, emotional stability and physical health necessary to meet the psychosocial, personal, and special care needs of vulnerable adults; and

(2) Ability to meet all personal and business financial obligations.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10020, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10020, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10025 License annual fee. (1) The adult family home must pay the license fee that is established in the state's operating budget, as described in RCW 70.128.060.

(2) Each year, the home's annual license fee is due during the same month in which the home was initially licensed. For example, if the home was licensed in June, 2010, then the annual licensing fee will be due in June of each year.

(3) The home must ensure that the department receives the annual license fee when it is due.

(4) If the home does not pay the fee when it is due, the department will impose remedies.

[Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10025, filed 7/31/12, effective 8/31/12. Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10025, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 09-21-075, § 388-76-10025, filed 10/16/09, effective 11/16/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10025, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10030 License capacity. (1) The adult family home capacity includes:

(a) The number of residents which is the resident capacity; plus

(b) The number of related children or adults in the home who receives personal or special care services.

(2) In determining the home's resident capacity, the department must consider the:

(a) Structural design of the house;

(b) Number and accessibility of bathrooms;

(c) Number and qualifications of staff;

(d) Total number of people living in the home who require personal or special care, including:

(i) Related children and adults; and

(ii) Other household members;

(e) The number of people for whom the home provides adult day care; and

(f) The ability for the home to safely evacuate all people living in the home.

(3) The resident capacity number will be listed on the adult family home license and the home must ensure that the number of residents in the home does not exceed the resident capacity.

(4) The adult family home resident capacity may be adjusted due to changes to the household mix or structure.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10030, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10030, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10035 License requirements—Multiple family home providers. The department will only consider an application for more than one home if the applicant has:

(1) Evidence of successful completion of the forty-eight hour residential care administrator's training to meet the applicable requirements of chapter 388-112 WAC;

(2) The ability to operate more than one home;

(3) The following plans for each home the applicant intends to operate. Each of the following plans must be updated and maintained:

(a) A twenty-four hour a day, seven day a week staffing plan;

(b) A plan for managing the daily operations of each home; and

(c) A plan for emergencies, deliveries, staff and visitor parking.

(4) A demonstrated history of financial solvency related to the ability to provide care and services; and

(5) An entity representative or a resident manager at each home who is responsible for the care of each resident at all times.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10035, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10035, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10035, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10036 License requirements—Multiple adult family home management. When there is more than one home licensed to a provider, the adult family home must ensure that:

(1) Each home has one person responsible for managing the overall delivery of care to all residents in the home;

(2) The designated responsible person is the provider, entity representative or a resident manager; and

(3) Each responsible person is designated to manage only one adult family home at a given time.

[Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10036, filed 1/22/10, effective 2/22/10; WSR 09-03-030, § 388-76-10036, filed 1/12/09, effective 2/12/09.]

WAC 388-76-10037 License requirements—Multiple adult family homes—Additional homes. The department will only accept and process an application for an additional license as follows:

(1) For a second home, if the applicant has maintained the first adult family home license for at least twenty-four months with no enforcement actions as listed in RCW 70.128.160(2) related to a significant violation of chapters 70.128, 70.129 or 74.34 RCW, this chapter or other applicable laws and regulations; and

(2) For a third or additional homes as follows:

(a) When twelve months have passed since the previous adult family home license and the department has taken no enforcement actions against the applicant's currently licensed adult family homes during the twelve months prior to application;

(b) When less than twelve months have passed since the previous adult family home license was granted; and

(i) The applications are due to the change in ownership of existing adult family homes that are currently licensed; and

(ii) No enforcement action was taken against any of the applicant's currently licensed homes during the twelve months prior to application.

[Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10037, filed 1/12/15, effective 2/12/15; WSR 12-01-004, § 388-76-10037, filed 12/7/11, effective 1/7/12.]

WAC 388-76-10040 License requirements—Qualified person must live-in or be on-site. (1) The adult family home provider or entity representative must:

(a) Live in the home; or

(b) Employ or contract with a resident manager who lives in the home and is responsible for the care and services of each resident at all times.

(2) The provider, entity representative, or resident manager is exempt from the requirement to live in the home if:

(a) The home has twenty-four hour staffing coverage; and

(b) A staff person who can make needed decisions is always present in the home.

[Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10040, filed 1/22/10, effective 2/22/10; WSR 09-03-030, § 388-76-10040, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10040, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10045 Licensing—Certain state employees and employee household members—Prohibited. The department must not issue an adult family home license to employees or members of the employees' household of:

(1) Aging and disability services administration; or

(2) The department when the employee's duties include:

(a) Placement of persons in an adult family home; or

(b) Authorizing payments for any resident's care and services in an adult family home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10045, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10050 License—Relinquishment. (1) If an adult family home does not have any residents, it may relinquish its license at any time.

(2) The home must relinquish its license if it has not provided care and services to residents for twenty-four months.

(3) The department may revoke the adult family home license if:

(a) The home does not relinquish the license as required under subsection (2); and

(b) There is no credible evidence that residents were cared for in the home during the period of time specified in subsection (2).

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10050, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10050, filed 10/16/07, effective 1/1/08.]

LICENSE APPLICATION

WAC 388-76-10055 Application—Generally. The applicant must send an application to the department for:

(1) An initial adult family home license;

(2) A change of ownership of the adult family home; or

(3) A change of the adult family home location or address.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10055, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10055, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10057 Application—General qualifications. Before sending the application to the department, the applicant must ensure that the people listed on the application meet any applicable minimum qualifications listed in WAC 388-76-10130 through 388-76-10145.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10057, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10060 Application—Department orientation class—Required. (1) An applicant or any person who has not held an adult family home license within the last twelve months must attend a department approved orientation class before receiving an application form; and

(2) If an applicant has not obtained an adult family home license within one calendar year of submitting the application to the department the applicant must attend department orientation again.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10060, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10063 Application—General training requirements. An applicant must ensure that each person listed on the application has successfully completed the training if required under this chapter and chapter 388-112 WAC.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10063, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10064 Adult family home administrator training requirements. (1) The applicant and the entity representative must successfully complete the department approved adult family home administration class as required in chapter 388-112 WAC.

(2) An applicant and entity representative may not be required to take the adult family home administrator class if there is a change in ownership and the applicant and entity representative are already participants in the operation of a currently licensed home.

(3) An applicant and entity representative must take the adult family home administrator class when the application is for an additional licensed home and the class has not already been successfully taken.

(4) The class must be a minimum of forty-eight hours of classroom time and approved by the department.

(5) Under exceptional circumstances, the department may waive the administrator training class for up to four months if the application meets all the other requirements for licensure and all the components of WAC 388-76-10074.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-01-171, § 388-76-10064, filed 12/22/15, effective 1/22/16; WSR 12-01-004, § 388-76-10064, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10064, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10065 Application—Required information. To apply for a license, an applicant must:

(1) Provide all information required on the application form;

(2) Provide any additional information requested by the department; and

(3) Send the complete application form to the department.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10065, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10070 Application—Fees required. (1) The applicant must pay all processing and license fees established in the state omnibus appropriations act and any amendment or additions made to that act.

(2) The applicant must submit the required fees with the application form.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10070, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 09-21-075, § 388-76-10070, filed 10/16/09, effective 11/16/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10070, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10073 Application—Processing fees required. The processing fee, required in the state omnibus appropriations act and any amendment or additions made to that act, applies to any application submitted to the department, including but not limited to an application for licensure, change of ownership, or a change of location.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10073, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 09-21-075, § 388-76-10073, filed 10/16/09, effective 11/16/09.]

WAC 388-76-10074 Application—Waiver of fees. The department may authorize a one-time waiver of the application fees for a change of ownership or relocation, if the situation meets all of the following conditions;

(1) The current provider has experienced an exceptional circumstance such as:

(a) The death or incapacity of a spouse who was also named on the license; or

(b) The diagnosis of a terminal or debilitating illness that prevents them from running the adult family home; and

(2) Residents will be forced to move if a new provider is not licensed; and

(3) Full payment of the licensing fee would cause the applicant a financial hardship; and

(4) The application has been approved for priority processing by the local field office per WAC 388-76-10107; and

(5) Neither the applicant nor the current provider has requested a waiver of fees in the past.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-01-171, § 388-76-10074, filed 12/22/15, effective 1/22/16.]

WAC 388-76-10075 Application—Becomes void. The department must consider the application void when the applicant:

(1) Does not return information to the department within sixty calendar days of the department's first request for additional information for an incomplete application; or

(2) Has not obtained an adult family home license within one calendar year of first submitting the application to the department.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10075, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10080 Application—Coprovider. Couples who are legally married or domestic partners under Washington state law:

(1) May not apply for separate licenses; and

(2) May apply jointly to be coproviders, if they are both qualified. One person may apply to be a provider without requiring the other person to apply.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10080, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10080, filed 1/15/10, effective 2/15/10; WSR 09-03-030, § 388-76-10080, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10080, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10085 Application—Individual or coprovider. The applicant must include in the application a list of all facilities or homes in which the applicant or persons affiliated with the applicant, provided care and services to children or vulnerable adults within the last ten years.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10085, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10090 Application—Entity application. An entity submitting an application must:

(1) Include a list of all facilities or homes in which the applicant or persons affiliated with the applicant, managerial employee, or owner of five percent or more of the entity provided care and services to children or vulnerable adults within the last ten years;

(2) Designate an entity representative who:

(a) Is responsible for the daily operations of the adult family home;

(b) Will be considered the department's primary contact person; and

(c) May act as both the entity representative and the resident manager in only one home.

(3) Designate a resident manager for the home if the entity representative is not the designated resident manager in subsection (2)(c) of this section.

[Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10090, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10090, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10095 Application—Identification of landlord—Required. (1) Applicants must name the landlord of the building if the building to be used as an adult family home is leased, under contract, or rented and the landlord takes an active interest in the operation of the home.

(2) An active interest includes but is not limited to:

(a) The charging of rent as a percentage of the business;

(b) Assistance with start-up and/or operational costs;

(c) Collection of resident fees;

(d) Recruitment of residents;

(e) Management oversight;

(f) Assessment and/or negotiated care plan development of residents; or

(g) The provision of personal or special care of residents.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10095, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10100 Application—Subject to review. (1) Adult family home license applications are subject to review under this chapter.

(2) The department will not process an incomplete application and will return the application requesting the missing information.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10100, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10105 Application—Change of ownership. (1) Under this section, "control of the provider" means the possession, directly or indirectly, of the power to direct the management, operation and/or policies of the adult family home, whether through ownership, voting control, by agreement, by contract or otherwise.

(2) A change of ownership of an adult family home requires both a new license application and a new license.

(3) A change of ownership occurs when there is a change in:

(a) The provider; or

(b) The control of a provider.

(4) Events which constitute a change of ownership include, but are not limited to:

(a) The form of legal organization of the adult family home is changed, such as when an adult family home forms:

(i) A partnership;

(ii) A corporation;

(iii) A limited liability company; or

(iv) When it merges with another legal organization.

(b) The adult family home transfers business operations and management responsibility to another party, whether or not there is a partial or whole transfer of real property, personal property, or both.

(c) Two people are both licensed as a married couple or domestic partners to operate an adult family home and an event, such as a separation, divorce, or death, results in only one person operating the home.

(d) Dissolution of a business partnership that is licensed to operate the adult family home.

(e) If the adult family home is a corporation and the corporation:

(i) Is dissolved;

(ii) Merges with another corporation, resulting in a change in the control of the provider; or

(iii) Consolidates with one or more corporations to form a new corporation;

(iv) Whether by a single transaction or multiple transactions within a continuous twenty-four month period, transfers fifty percent or more of its shares to one or more of the following:

(A) New or former shareholders; or

(B) Present shareholders, each having less than five percent of the shares before the initial transaction.

(f) Any other event or combination of events that results in a substitution, elimination, or withdrawal of the provider's control of the adult family home.

(5) The new owner:

(a) Must obtain a new license from the department before transfer of ownership;

(b) Must not begin operation of the adult family home until the department has granted the license;

(c) Must correct all deficiencies that exist at the time of the ownership change;

(d) Is subject to the provisions of chapters 70.128, 70.129, 74.34 RCW, this chapter and other applicable laws and regulations; and

(e) Must ensure that any funds in the resident's accounts at the time of the ownership change remain in an equivalent account. If any funds in resident's accounts are moved, the new owner must promptly notify residents or resident's representative in writing of the name, address, and location of the new depository; and

(f) Must provide the department with a copy of the written notice of the change of ownership that was given to each resident, or applicable resident representatives.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10105, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.-040. WSR 10-14-058, § 388-76-10105, filed 6/30/10, effective 7/31/10; WSR 10-04-008, § 388-76-10105, filed 1/22/10, effective 2/22/10; WSR 09-03-030, § 388-76-10105, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10105, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10106 Change of ownership—Notice to department and residents. (1) The current adult family home owner must provide written notice to the department, residents or applicable resident representatives, sixty calendar days prior to the date of the proposed change of ownership; and

(2) The home must include the following information in the written notice:

(a) Names of the present owner and prospective owner;

(b) Name and address of the adult family home for which the ownership is being changed;

(c) Date of proposed change;

(d) The resident's right to decide whether they want to stay or move; and

(e) Any change in the home's policies or operations that could impact a resident's ability to continue to live in the home. For example, if the new owner will be changing the home's policy on serving medicaid eligible residents, that change might impact a resident's ability to continue receiving services in the home.

[Statutory Authority: RCW 70.128.040. WSR 10-14-058, § 388-76-10106, filed 6/30/10, effective 7/31/10.]

WAC 388-76-10107 Priority processing—Change of ownership and relocation. In order to prevent disruption to residents, currently licensed providers may request in writing that the department give priority processing to an applicant seeking to be licensed as the new provider of an existing, licensed adult family home in the event of a change of ownership or relocation.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-01-171, § 388-76-10107, filed 12/22/15, effective 1/22/16. Statutory Authority: RCW 70.128.040. WSR 10-14-058, § 388-76-10107, filed 6/30/10, effective 7/31/10.]

WAC 388-76-10110 Application—Change of location or address. (1) A change of the adult family home location or address requires both a new license application and a new license.

(2) The home must not start operations of the home at a new location until the department has granted the license for the new location.

(3) The home must notify each resident or resident representative, in writing at least thirty days before the effective date of the change of the home location or address.

[Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10110, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10110, filed 10/16/07, effective 1/1/08.]

GRANTING OR DENYING A LICENSE

WAC 388-76-10115 Granting or denying a license—Generally. In making a determination of whether to grant an adult family home license, the department must consider:

(1) Separately and jointly each person and entity named in an application, including each person or entity affiliated with the applicant;

(2) Information in the application;

(3) Other documents and information the department deems relevant which may include, but not be limited to:

(a) Inspection and complaint investigation findings in each facility or home in which the applicant, person affiliated with the applicant, or owner of five percent or more of the entity provided care or services to children or vulnerable adults; and

(b) Credit information.

(4) The history of convictions and other circumstances described in WAC 388-76-10120 and 388-76-10125 for each individual listed on the application including, but not limited to the following:

(a) Applicant;

(b) Person affiliated with the applicant;

(c) Entity representative;

(d) Caregiver;

(e) An owner who:

(i) Exercised daily control over the operations; or

(ii) Owns fifty-one percent or more of the entity.

(f) Any person who may have unsupervised access to residents in the home; and

(g) Any person who lives in the home and is not a resident.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10115, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10115, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10120 License—Must be denied. The adult family home license will not be granted if:

(1) The applicant has not successfully completed a department-approved forty-eight hour adult family home administration and business planning class except as provided in WAC 388-76-10064.

(2) It has been less than twenty years since the applicant surrendered or relinquished an adult family home license after receiving notice of the department's initiation of a denial, suspension, nonrenewal or revocation of the license.

(3) The applicant or the applicant's spouse, domestic partner, or any partner, officer, director, managerial employee or majority owner of the applying entity:

(a) Has a history of significant noncompliance with federal or state laws or regulations in the provision of care or services to children or vulnerable adults;

(b) Has prior violations of federal or state laws or regulations relating to residential care facilities resulting in revocation, suspension, or nonrenewal of a license or contract with the department within the past ten years;

(c) Has a conviction or pending criminal charge for a crime that is automatically disqualifying under chapter 388-113 WAC;

(d) Has one or more of the following disqualifying negative actions:

(i) 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;

(ii) The person is a registered sex offender;

(iii) The person 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;

(iv) 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;

(v) The individual was found in any dependency action to have sexually assaulted or exploited any child or to have physically abused any child;

(vi) 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;

(vii) The individual 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

(viii) The individual 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 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10120, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10120, filed 7/31/12, effective 8/31/12. Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10120, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10120, filed 1/15/10, effective 2/15/10; WSR 09-03-028, § 388-76-10120, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10120, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10125 License—May be denied. The adult family home license may be denied if the applicant or the applicant's spouse, domestic partner, or any partner, officer, director, managerial employee or majority owner of the applying entity:

(1) Has any conviction or pending criminal charge for crime that is not automatically disqualifying under chapter 388-113 WAC, but that the department determines is reasonably related to the competency of the person to be involved in the ownership or operation of an adult family home;

(2) Has abused, neglected, or financially exploited a vulnerable adult, unless denial is required under WAC 388-76-10120.

(3) Has engaged in the illegal use, sale or distribution of drugs or excessive use of alcohol or drugs without the evidence of rehabilitation;

(4) Has been found in any final decision of a federal or state agency to have abandoned, neglected, abused or financially exploited a vulnerable adult, unless such decision requires a license denial under WAC 388-76-10120;

(5) Has had a license for the care of children or vulnerable adults denied, suspended, revoked, or not renewed. In connection with the operation of any facility for the care of children or vulnerable adults, relinquished or returned a license, or did not seek license renewal following written notification that the licensing agency intended to deny, suspend, or revoke the license, unless such action requires a license denial under WAC 388-76-10120;

(6) Has a history of prior violations of chapter 70.128 RCW or any law regulating residential care facilities that resulted in revocation, suspension, or nonrenewal of a license;

(7) Has been enjoined from operating a facility for the care and services of children or adults;

(8) Has had a medicaid or medicare provider agreement or any other contract for the care and treatment of children or vulnerable adults, terminated, cancelled, suspended, or not renewed by any public agency, including a state medicaid agency;

(9) Has been the subject of a sanction 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;

(10) Has obtained or attempted to obtain a license by fraudulent means or misrepresentation;

(11) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a license or any data attached to the application, or in any matter involving the department;

(12) Permitted, aided, or abetted the commission of any illegal act on the adult family home premises;

(13) Willfully prevented or interfered with or failed to cooperate with any inspection, investigation, or monitoring visit made by the department, including refusal to permit authorized department representatives to interview residents or have access to their records;

(14) Failed or refused to comply with:

(a) A condition imposed on a license or a stop placement order; or

(b) The requirements of chapters 70.128, 70.129, 74.34 RCW, this chapter or other applicable laws and regulations.

(15) Misappropriated property of a resident, unless such action requires a license denial under WAC 388-76-10120;

(16) Exceeded licensed capacity in the operation of an adult family home;

(17) Operated a facility for the care of children or adults without a license or with a revoked license;

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

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

(20) Has failed to meet personal financial obligations;

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

(22) Has not demonstrated financial solvency or management experience in its currently licensed homes, or has not demonstrated the ability to meet other relevant safety, health, and operating standards pertaining to the operation of multiple homes, including ways to mitigate the potential impact of vehicular traffic related to the operation of the homes; or

(23) The home is currently licensed:

(a) As an assisted living facility; or

(b) To provide care for children in the same home, unless:

(i) It is necessary in order to allow a resident's child(ren) to live in the same home as the resident or to allow a resident who turns eighteen to remain in the home;

(ii) The applicant provides satisfactory evidence to the department of the home's capacity to meet the needs of children and adults residing in the home; and

(iii) The total number of persons receiving care and services in the home does not exceed the number permitted by the licensed capacity of the home.

(24) Failed to give the department access to all parts of the home as authorized under RCW 70.128.090.

(25) Has demonstrated any other factors that give evidence the individual lacks the appropriate character, competence, and suitability to provide care or services to vulnerable adults.

[Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10125, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10125, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10125, filed 1/15/10, effective 2/15/10; WSR 09-03-028, § 388-76-10125, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10125, filed 10/16/07, effective 1/1/08.]

QUALIFICATIONS OF INDIVIDUALS PROVIDING CARE AND SERVICES

WAC 388-76-10129 Qualifications—Adult family home personnel. The adult family home must ensure that the following are qualified and meet all of the applicable requirements of this chapter and chapter 388-112 WAC:

(1) Any person employed or used by the adult family home, directly or by contract, by an adult family home; including but not limited to:

(a) The provider;

(b) Entity representative;

(c) Resident manager;

(d) Staff; and

(f) Caregivers.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10129, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10130 Qualifications—Provider, entity representative and resident manager. The adult family home must ensure that the provider, entity representative and

resident manager have the following minimum qualifications:

(1) Be twenty-one years of age or older;

(2) Have a United States high school diploma or high school equivalency certificate as provided in RCW 28B.50.-536, or any English or translated government document of the following:

(a) Successful completion of government approved public or private school education in a foreign country that includes an annual average of one thousand hours of instruction a year for twelve years, or no less than twelve thousand hours of instruction;

(b) Graduation from a foreign college, foreign university, or United States community college with a two-year diploma, such as an associate's degree;

(c) Admission to, or completion of course work at a foreign or United States college or university for which credit was awarded;

(d) Graduation from a foreign or United States college or university, including award of a bachelor's degree;

(e) Admission to, or completion of postgraduate course work at, a United States college or university for which credits were awarded, including award of a master's degree; or

(f) Successful passage of the United States board examination for registered nursing, or any professional medical occupation for which college or university education was required.

(3) Completion of the training requirements that were in effect on the date they were hired or became licensed providers, including the requirements described in chapter 388-112 WAC;

(4) Have good moral and responsible character and reputation;

(5) Be literate and able to communicate in the English language, and assure that a person is on staff and available at the home who is capable of understanding and speaking English well enough to be able to respond appropriately to emergency situations and be able to read, understand and implement resident negotiated care plans.

(6) Assure that there is a mechanism to communicate with the resident in his or her primary language either through a qualified person on-site or readily available at all times, or other reasonable accommodations, such as a language line.

(7) Be able to carry out the management and administrative requirements of chapters 70.128, 70.129 and 74.34 RCW, this chapter and other applicable laws and regulations;

(8) Have completed at least one thousand hours of successful direct care experience in the previous sixty months obtained after age eighteen to vulnerable adults in a licensed or contracted setting before operating or managing a home. Individuals holding one of the following professional licenses are exempt from this requirement:

(a) Physician licensed under chapter 18.71 RCW;

(b) Osteopathic physician licensed under chapter 18.57 RCW;

(c) Osteopathic physician assistant licensed under chapter 18.57A RCW;

(d) Physician assistant licensed under chapter 18.71A RCW;

(e) Registered nurse, advanced registered nurse practitioner, or licensed practical nurse licensed under chapter 18.79 RCW.

(9) Have no disqualifying criminal convictions or pending criminal charges under chapter 388-113 WAC;

(10) Have none of the negative actions listed in WAC 388-76-10180;

(11) Obtain and keep valid cardiopulmonary resuscitation (CPR) and first-aid card or certificate as required in chapter 388-112 WAC; and

(12) Have tuberculosis screening to establish tuberculosis status per this chapter.

[Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10130, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 74.39A.-056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10130, filed 6/24/14, effective 7/25/14. Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10130, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10130, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10130, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10135 Qualifications—Caregiver. The adult family home must ensure each caregiver has the following minimum qualifications:

(1) Be eighteen years of age or older;

(2) Has a clear understanding of the caregiver job responsibilities and knowledge of each resident's negotiated care plan to provide care specific to the needs of each resident;

(3) Has basic communication skills to:

(a) Be able to communicate or make provisions to communicate with the resident in his or her primary language; and

(b) Understand and speak English well enough to:

(i) Respond appropriately to emergency situations; and

(ii) Read, understand, and implement resident negotiated care plans;

(4) Has completed the training requirements in effect on the date the caregiver was hired, including the requirements applicable to the caregiver under chapter 388-112 WAC;

(5) Has no disqualifying criminal convictions or pending criminal charges under chapter 388-113 WAC;

(6) Has none of the negative actions listed in WAC 388-76-10180;

(7) Has a current valid first-aid card or certificate as required in chapter 388-112 WAC, except nurses, who are exempt from this requirement;

(8) Has a valid cardiopulmonary resuscitation (CPR) card or certificate as required in chapter 388-112 WAC; and

(9) Meets the tuberculosis screening requirements of this chapter.

[Statutory Authority: Chapter 70.128 RCW. WSR 17-01-002, § 388-76-10135, filed 12/7/16, effective 1/7/17. Statutory Authority: RCW 74.39A.-056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10135, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10135, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10135, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10140 Qualifications—Students—Volunteers. The adult family home must ensure that students and volunteers meet the following minimum qualifications:

(1) Be eighteen years old or older;

(2) Meet the department's training requirements of chapter 388-112 WAC;

(3) Have no criminal convictions listed in RCW 43.43.830 and 43.43.842 or state or federal findings of abandonment, abuse, neglect or financial exploitation; and

(4) Tuberculosis screening to establish tuberculosis status per this chapter.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10140, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10145 Qualifications—Licensed nurse as provider, entity representative, or resident manager. The adult family home must ensure that a licensed nurse who is a provider, entity representative, or resident manager:

(1) Meets all minimum qualifications for providers, entity representatives, or resident managers listed in WAC 388-76-10130; and

(2) Has a current valid cardiopulmonary resuscitation (CPR) card or certificate as required in chapter 388-112 WAC.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10145, filed 10/4/16, effective 11/4/16. Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10145, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10145, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10146 Qualifications—Training and home care aide certification. (1) The adult family home must ensure staff persons hired before January 7, 2012 meet training requirements in effect on the date hired, including requirements in chapter 388-112 WAC.

(2) The adult family home must ensure all adult family home caregivers, entity representatives, and resident managers hired on or after January 7, 2012, meet the long-term care worker training requirements of chapter 388-112 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) All persons listed in subsection (2) of this section, must obtain the home-care aide certification if required by this section or chapters 246-980 or 388-112 WAC.

(a) Until March 1, 2016, a provisional home-care aide certification may be issued by the department of health to a long-term care worker who is limited English proficient.

(4) Even if an adult family home applicant does not intend to provide direct personal care, the applicant must meet the long-term care worker training and home-care aide certification requirements under chapter 388-112 WAC to the same extent that the requirements would apply if the applicant was a long-term care worker.

(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 programs, are exempt from home-care aide certification and long-term care worker training requirements. This exemption does not apply to continuing education; these individuals must comply with continuing education requirements under chapter 388-112 WAC.

(6) The adult family home must ensure that all staff receive the orientation and training necessary to perform their job duties.

[Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10146, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10146, filed 7/31/12, effective 8/31/12. Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10146, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10146, filed 7/30/10, effective 1/1/11.]

WAC 388-76-10150 Qualifications—Assessor. (1) The adult family home must ensure that an assessor, except for an authorized department case manager, performing an assessment for any resident meets the following qualifications:

(a) 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

(b) 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

(c) Have a valid Washington state license to practice as a nurse under chapter 18.79 RCW and three years of clinical nursing experience; or

(d) Is currently a licensed physician, including an osteopathic physician, in Washington state.

(2) The home must ensure than an assessor who meets the requirements of subsections (1)(a), (b), or (c) of this section does not have unsupervised access to any resident unless the assessor has:

(a) A current criminal history background check; and

(b) Has no disqualifying criminal convictions or pending criminal charges under chapter 388-113 WAC; and

(c) None of the negative actions listed in WAC 388-76-10180 are applicable to the assessor.

[Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10150, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10150, filed 10/16/07, effective 1/1/08.]

CRIMINAL HISTORY BACKGROUND CHECK

WAC 388-76-10160 Background checks—General. (1) Background checks conducted by the department and required in this chapter include but are not limited to:

(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 any person against the better judgment of the adult family home.

(3) In addition to chapter 70.128 RCW, these rules are authorized by RCW 43.20A.710, 43.43.830 through 43.43.-842 and RCW 74.39A.051.

[Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10160, filed 7/31/12, effective 8/31/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10160, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10160, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10161 Background checks—Who is required to have. (1) An adult family home applicant and anyone affiliated with an applicant must have the following background checks before licensure:

(a) A Washington state name and date of birth background check; and

(b) If applying after January 7, 2012, a national fingerprint background check.

(2) The adult family home must ensure that all caregivers, entity representatives, and resident managers who are 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) All household members over the age of eleven, volunteers, students, and noncaregiving staff who may have unsupervised access to residents must have a Washington state name and date of birth background check. They are not required to have a national fingerprint background check.

[Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10161, filed 7/31/12, effective 8/31/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10161, filed 7/30/10, effective 1/1/11.]

WAC 388-76-10163 Background checks—Process—Background authorization form. Before the adult family home employs, directly or by contract, a resident manager, entity representative, caregiver, or noncaregiving staff, or accepts as a caregiver any volunteer or student, or allows a household member over the age of eleven unsupervised access to residents, the home must:

(1) Require the person to complete a DSHS background authorization form; and

(2) Submit form to the department's background check central unit, including any additional documentation and information requested by the department.

[Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10163, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10163, filed 7/31/12, effective 8/31/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10163, filed 7/30/10, effective 1/1/11.]

WAC 388-76-101631 Background checks—Washington state name and date of birth background check. If the results of the Washington state name and date of birth background check indicate an individual has a disqualifying criminal conviction or a pending charge for a disqualifying crime under chapter 388-113 WAC, or a disqualifying negative action listed in WAC 388-76-10180 then:

(1) If the individual is a caregiver, entity representative or resident manager, the adult family home must not employ the individual, either directly or by contract; and

(2) If the individual is a household member over the age of eleven, volunteer, student or noncaregiving staff then the adult family home must not allow the individual to have unsupervised access to residents.

[Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-101631, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-101631, filed 7/31/12, effective 8/31/12.]

WAC 388-76-101632 Background checks—National fingerprint background check. (1) Individuals specified in WAC 388-76-10161(2) 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 letter of the national fingerprint background check the adult family home must not employ, directly or by contract, a caregiver, entity representative or resident manager who has been convicted of a disqualifying crime or who:

(i) Has a disqualifying conviction or pending charge under chapter 388-113 WAC; or

(ii) Has a disqualifying negative action listed in WAC 388-76-10180.

(3) The provider may accept a copy of a national fingerprint background check result letter and any additional information from the department's background check central unit from an individual who previously completed a national fingerprint background check through the background check central unit, provided the national fingerprint background check was completed after January 7, 2012.

[Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-101632, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-101632, filed 7/31/12, effective 8/31/12.]

WAC 388-76-10164 Background checks—Results—Duty to inform. (1) After receiving the results of the Washington state name and date of birth background check, the adult family home must:

(a) Inform the person of the results of the background checks;

(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 the 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 388-76-10180.

(2) After receiving a copy of the results letter of the national fingerprint background check, the adult family home must inform the person:

(a) Of the background check result letter; and

(b) Inform the person that they may request a copy of the results of the national fingerprint background 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 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10164, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10164, filed 7/31/12, effective 8/31/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10164, filed 7/30/10, effective 1/1/11.]

WAC 388-76-10165 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 adult family home must ensure:

(a) A new DSHS background authorization form is submitted to the department's background check central unit every two years for each individual listed in WAC 388-76-10161;

(b) There is a valid Washington state background check for all individuals listed in WAC 388-76-10161.

(2) A national fingerprint background check is valid for an indefinite period of time. The adult family home must ensure there is a valid national fingerprint background check for individuals hired after January 7, 2012 as caregivers, entity representatives or resident managers. To be considered valid, the individual must have completed the national fingerprint background check through the background check central unit after January 7, 2012.

[Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10165, filed 7/31/12, effective 8/31/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10165, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10165, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10166 Background checks—Household members, noncaregiving and unpaid staff—Unsupervised access. (1) The adult family home must not allow individuals specified in WAC 388-76-10161(3) to have unsupervised access to residents until the home receives results of the Washington state name and date of birth background check from the department.

(2) If the background check results show that an individual specified in WAC 388-76-10161 has a criminal conviction or pending charge for a crime that is not automatically disqualifying under chapter 388-113 WAC, then the adult family home must:

(a) Determine whether or not the person has the character, competence and suitability to have unsupervised access to residents; and

(b) Document in writing the basis for making the decision.

(c) Nothing in this section should be interpreted as requiring the employment of any person against the better judgment of the adult family home.

[Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10166, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10166, filed 7/31/12, effective 8/31/12.]

WAC 388-76-10170 Background check—Confidentiality—Use restricted—Retention. The adult family home must establish and implement procedures that ensure all background authorization forms, background check results, related information, and all copies are:

(1) Kept in a confidential and secure manner;

(2) Used for employment purposes only;

(3) Not disclosed to any person except:

(a) The person about whom the home made the disclosure or background check;

(b) Licensed facilities, an employer of an authorized program, or an in-home services agency employer identified in WAC 388-76-10174;

(c) Authorized state and federal employees; and

(d) The Washington state patrol auditor.

(4) Kept for two years after the date an employee either quits or is terminated.

[Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10170, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040. WSR 09-03-030, § 388-76-10170, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10170, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10174 Background check—Disclosure of information—Sharing of background information 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-based background check 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) A 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 person was last employed at a licensed health care facility and the date of the person's current employment application; and

(c) The background check is no more than two years old.

(d) The adult family home has no reason to believe the individual has a disqualifying criminal conviction or pending charge for a disqualifying crime under chapter 388-113 WAC, or a negative action listed in WAC 388-76-10180.

(2) If background check information is shared, the health care facility employing the subject of the check must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in WAC 388-76-10180 since the completion date of the most recent background check.

(3) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying criminal conviction or pending charge for a disqualifying crime under chapter 388-113 WAC, or negative action listed in WAC 388-76-10180, after the completion date of their most recent background check:

(a) Cannot rely on the applicant's previous employer's background check information; and

(b) Must request a new background check as required by this chapter.

(4) Health care facilities that share background check information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this section.

(5) Health care facilities must send and receive the background check information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(6) In accordance with RCW 74.39A.210, a home that discloses information about a former or current employee to certain types of prospective employers is presumed to act in good faith and is immune from civil and criminal liability for such disclosure or its consequences.

[Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10174, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10174, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040. WSR 09-03-030, § 388-76-10174, filed 1/12/09, effective 2/12/09.]

WAC 388-76-10175 Background checks—Employment—Conditional hire—Pending results of Washington state name and date of birth background check. An adult family home may conditionally employ a person directly or by contract, pending the result of a Washington state name and date of birth background check, provided the home:

(1) Submits the Washington state name and date of birth background check no later than one business day after conditional employment;

(2) Requires the individual to sign a disclosure statement and the individual denies having a disqualifying criminal conviction or pending charge for a disqualifying crime under chapter 388-113 WAC, or a negative action that is listed in WAC 388-76-10180;

(3) Does not allow the individual to have unsupervised access to any resident;

(4) Ensures direct supervision, as defined in WAC 388-76-10000, of the individual; and

(5) Ensures the individual is competent and receives the necessary training to perform assigned tasks and meets the staff training requirements under chapter 388-112 WAC.

[Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10175, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10175, filed 7/31/12, effective 8/31/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10175, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10175, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10176 Background checks—Employment—Provisional hire—Pending results of national fingerprint background check. The adult family home may provisionally employ individuals hired after January 7, 2012 and listed in WAC 388-76-10161(2) for one hundred twenty-days and allow those individuals to have unsupervised access to residents when:

(1) The individual 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: RCW 70.128.040. WSR 12-16-087, § 388-76-10176, filed 7/31/12, effective 8/31/12.]

WAC 388-76-10180 Background checks—Employment—Disqualifying information. [Disqualifying negative actions.] (1) The adult family home must not employ, directly or by contract, a caregiver, entity representative, or resident manager if:

(a) The caregiver, entity representative or resident manager will have unsupervised access to vulnerable adults, as defined in RCW 43.43.830; and either:

(b) The caregiver, entity representative or resident manager has a disqualifying criminal conviction or pending charge for a disqualifying crime under chapter 388-113 WAC; or

(c) The caregiver, entity representative, or resident manager has one or more of the following negative actions:

(i) 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;

(ii) The individual is a registered sex offender;

(iii) 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;

(iv) 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;

(v) The individual was found in any dependency action to have sexually assaulted or exploited any child or to have physically abused any child;

(vi) 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;

(vii) 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

(viii) 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 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10180, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10180, filed 7/31/12, effective 8/31/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10180, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10180, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10180, filed 10/16/07, effective 1/1/08.]

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 388-76-10181 Background checks—Employment—Nondisqualifying information. (1) If any background check results show that an employee or prospective employee has a criminal conviction or pending charge for a crime that is not disqualifying under chapter 388-113 WAC, then the adult family home must:

(a) Determine whether the person has the character, competence and suitability to work with vulnerable adults in long-term care; and

(b) Document in writing the basis for making the decision, and make it available to the department upon request.

(2) Nothing in this section should be interpreted as requiring the employment of any person against the better judgment of the adult family home.

[Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10181, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10181, filed 7/31/12, effective 8/31/12.]

ADMINISTRATION GENERAL

WAC 388-76-10191 Liability insurance required. The adult family home must:

(1) Obtain liability insurance upon licensure and maintain the insurance as required in WAC 388-76-10192 and 388-76-10193; and

(2) Have evidence of liability insurance coverage available if requested by the department.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10191, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10192 Liability insurance required—Commercial general liability insurance or business liability insurance coverage. The adult family home 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 contractors, products-completed operations, personal injury, advertising injury, and liability assumed under an insured contract; and

(4) Minimum limits of:

(a) Each occurrence at five hundred thousand dollars; and

(b) General aggregate at one million dollars.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10192, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10193 Liability insurance required—Professional liability insurance coverage. The adult family home must have professional liability insurance or errors and omissions insurance if the adult family home 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 adult family home, its employees, and volunteers; and

(2) Minimum limits of:

(a) Each occurrence at five hundred thousand dollars; and

(b) Aggregate at one million dollars.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10193, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10195 Adult family home—Staff—Generally. The adult family home must ensure:

(1) When one or more residents are in the home, enough staff are available in the home to meet the needs of each resident, except as provided in WAC 388-76-10200;

(2) Staff are readily available to meet resident needs if the home takes the resident out to another location and the resident negotiated care plan does not indicate it is safe for the resident to be left unattended for a specific time period; and

(3) All staff are skilled and able to do the tasks assigned to meet the needs of each resident.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10195, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10195, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10198 Adult family home—Personnel records. The adult family home must keep documents related to staff in a place readily accessible to authorized department staff. These documents must be available during the staff's employment, and for at least two years following employment. The documents must include but are not limited to:

(1) Staff information such as address and contact information.

(2) Staff orientation and training records pertinent to duties, including, but not limited to:

(a) Training required by chapter 388-112 WAC, including as appropriate for each staff person, orientation, basic training or modified basic training, specialty training, nurse delegation core training, and continuing education;

(b) Cardiopulmonary resuscitation;

(c) First aid; and

(d) HIV/AIDS training.

(3) Tuberculosis testing results.

(4) Criminal history disclosure and background check results as required.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10198, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10200 Adult family home—Staff—Availability—Contact information. In addition to other licensing requirements for staff availability, the adult family home must:

(1) Ensure at least one qualified caregiver is present in the home whenever one or more residents are present in the home, except as provided in subsection (2). For purpose of this subsection, a qualified caregiver means someone who has completed orientation and basic training as required by chapter 388-112 WAC;

(2) Ensure that before the adult family home leaves a resident unattended:

(a) That the adult family home determines that the resident can be left unattended safely, based upon an assessment that identifies the resident's strengths and needs;

(b) The resident knows what to do in an emergency and is able to successfully act on that knowledge; such as leaving the home or calling 911, when necessary;

(c) The adult family home individualizes each resident's negotiated care plan to the resident's identified strengths and needs and includes a limited and specific amount of time the resident is safe to be left unattended;

(d) The resident consents to the plan to be left unattended; and

(e) The resident is able to contact a responsible staff person at all times.

(3) Designate an experienced, staff member who is capable of responding on behalf of the adult family home by phone or pager at all times.

(4) Give residents the telephone or pager number for the contact required in subsection (2) of this section;

(5) Ensure the provider, entity representative or resident manager is readily available to:

(a) Each resident;

(b) Residents' representatives;

(c) Caregivers; and

(d) Authorized state staff.

[Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10200, filed 7/31/12, effective 8/31/12; WSR 10-04-008, § 388-76-10200, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10200, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10205 Medicaid or state funded residents. When the adult family home accepts medicaid or state funded residents, the home must follow the terms and conditions of the department contract and chapter 388-105 WAC.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10205, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10210 Resident relocation due to closure. When an adult family home chooses to voluntarily close, the home must:

(1) Notify the following in writing of the closure at least thirty days before the home closes:

(a) The department;

(b) Each resident; and

(c) Each resident's representative.

(2) Develop, organize, and carry out a discharge plan that meets the needs of each resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10210, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10215 Resident funds—Protection, liquidation or transfer. (1) The adult family home must meet the requirements of RCW 70.129.040 to protect any funds the resident may have deposited with the adult family home.

(2) If a deceased resident had some of his or her adult family home care paid for by the department, then the home must:

(a) Send the final accounting and funds payable to:

Secretary, Department of Social and Health Services
Office of Financial Recovery
Estate Recovery Unit

(b) Include with the final accounting required in subsection (2)(a) of this section:

(i) The deceased resident's name; and

(ii) The deceased resident's Social Security number.

(3) When a resident is missing from the home, in addition to other licensing requirements, the home must make a reasonable effort to find the missing resident before transferring resident funds to the department of revenue as per subsection (4) of this section.

(4) The adult family home must notify the department of revenue of abandoned property when:

(a) A resident is missing from the home for more than ninety days; and

(b) The missing resident:

(i) Gave money to the home to manage or for safekeeping;

(ii) Does not have a legal guardian;

(iii) Did not appoint a power of attorney to handle his or her financial affairs;

(iv) Did not name a family member to act on the resident's behalf; and

(v) Did not have his or her care paid for by the department.

(5) The home must send any money received from the missing resident, to the department of revenue:

(a) According to chapter 63.29 RCW;

(b) Within twenty days of notifying the department of revenue per subsection (2) of this section.

(6) Before the adult family home changes its owner, the home must:

(a) Give each resident a written statement that accounts for any personal funds held by the home;

(b) Give the prospective adult family home owner a written statement that accounts for all of the residents' funds that home will transfer to the new adult family home owner; and

(c) Get a written receipt of the transferred residents' funds from the new adult family home owner.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10215, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10220 Incident log. The adult family home must keep a log of:

(1) Alleged or suspected instances of abandonment, neglect, abuse or financial exploitation;

(2) Accidents or incidents affecting a resident's welfare; and

(3) Any injury to a resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10220, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10225 Reporting requirement. (1) The adult family home must ensure all staff:

(a) Report suspected abuse, neglect, exploitation or abandonment of a resident:

(i) As required by chapter 74.34 RCW;

(ii) To the department by calling the complaint toll-free hotline number; and

(iii) To the local law enforcement agency when required by RCW 74.34.035.

(b) Report the following to the department by calling the complaint toll-free hotline number:

(i) Any actual or potential event requiring any resident to be evacuated;

(ii) Conditions that threaten the provider's or entity representative's ability to continue to provide care or services to each resident; and

(iii) A missing resident.

(2) When there is a significant change in a resident's condition, or a serious injury, trauma, or death of a resident, the adult family home must immediately notify:

(a) The resident's family;

(b) The resident's representative, if one exists;

(c) The resident's health care provider;

(d) Other appropriate professionals working with the resident;

(e) Persons identified in the negotiated care plan; and

(f) The resident's case manager if the resident is a department client.

(3) Whenever an outbreak of suspected food poisoning or communicable disease occurs, the adult family home must notify:

(a) The local public health officer; and

(b) The department's complaint toll-free hotline number.

(4) The adult family home must notify the department's case management office within twenty-four hours whenever a resident, whose stay is paid for by the department is discharged for more than twenty-four hours on medical leave to a nursing home or hospital.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10225, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10225, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10230 Pets. The adult family home must ensure any animal visiting or living on the premises:

(1) Does not compromise any resident rights, preferences or medical needs;

(2) Has a suitable temperament, is clean and healthy, and otherwise poses no significant health or safety risks to any resident, staff, or visitors; and

(3) Has proof of up-to-date rabies vaccinations.

[Statutory Authority: RCW 70.128.040. WSR 09-03-029, § 388-76-10230, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10230, filed 10/16/07, effective 1/1/08.]

HEALTH CARE DECISION MAKING

WAC 388-76-10235 Guardianship. (1) Effective February 1, 2009, the adult family home must ensure that no provider, entity representative, resident manager, or staff becomes any resident's guardian.

(2) Provider, entity representative, resident manager or staff who is a resident's guardian before February 1, 2009 may continue to be that resident's guardian.

[Statutory Authority: RCW 70.128.040. WSR 09-03-029, § 388-76-10235, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10235, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10240 Durable power of attorney for health care or financial decisions. The adult family home must not allow a provider, entity representative, owner, administrator, or employees of the home to act as a resident's attorney in fact, according to chapter 11.94 RCW, unless the provider, entity representative, owner, administrator, or employee is the resident's:

(1) Spouse;

(2) Adult child; or

(3) Brother or sister.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10240, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10245 Resident self-determination—Health care decision making. The adult family home must provide care and services consistent with the federal patient self-determination act and other statutes related to a resident legal representative and health care decision making, including but not limited to:

(1) Chapter 7.70 RCW;

(2) Chapter 70.122 RCW;

(3) Chapter 11.88 RCW;

(4) Chapter 11.92 RCW; and

(5) Chapter 11.94 RCW.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10245, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10250 Medical emergencies—Contacting emergency medical services—Required. (1) The adult family home must develop and implement policies and procedures which require immediate contact of the local emergency medical services when a resident has a medical emergency. This requirement applies:

(a) Unless the caregiver, present at the time of the emergency, is a licensed physician or registered nurse acting within his or her scope of practice;

(b) Whether or not:

(i) Any order exists directing medical care for the resident;

(ii) The resident has provided an advance directive for medical care; or

(iii) The resident has expressed any wishes involving medical care.

(2) If available, the home must immediately give arriving emergency medical services personnel a copy of:

(a) Any order that exists directing medical care for the resident; and

(b) The resident's advance directive for medical care.

(3) The home must inform the resident of the requirements in this section.

(4) The home is not required to contact emergency medical services when a resident is receiving hospice care by a licensed hospice agency and the:

(a) Emergency relates to the expected hospice death; and

(b) Situation is monitored by the hospice agency.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10250, filed 10/16/07, effective 1/1/08.]

INFECTION CONTROL AND COMMUNICABLE DISEASE

WAC 388-76-10255 Infection control. The adult family home must develop and implement an infection control system that:

(1) Uses nationally recognized infection control standards;

(2) Emphasizes frequent hand washing and other means of limiting the spread of infection;

(3) Follows the requirements of chapter 49.17 RCW, Washington Industrial Safety and Health Act to protect the health and safety of each resident and employees; and

(4) Directs all staff to:

(a) Dispose of razor blades, syringes, and other sharp items in a manner that will not risk the health and safety of residents, staff, other persons residing in the home or the public; and

(b) Use all disposable and single-service supplies and equipment only one time as specified by the manufacturer.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10255, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10260 Communicable disease—Preventing spread. If the adult family home suspects anyone working or living in the home has or may have a communicable disease, the home must implement nationally recognized infection control measures.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10260, filed 10/16/07, effective 1/1/08.]

TUBERCULOSIS SCREENING

WAC 388-76-10265 Tuberculosis—Testing—Required. (1) The adult family home must develop and implement a system to ensure the following persons have tuberculosis testing within three days of employment:

(a) Provider;

(b) Entity representative;

(c) Resident manager;

(d) Caregiver;

(e) Staff; and

(f) Any student or volunteer providing any resident care and services.

(2) For the purposes of the tuberculosis sections "person" means the people listed in this section as required to have tuberculosis testing.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10265, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10270 Tuberculosis—Testing method—Required. The adult family home 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: RCW 70.128.040. WSR 10-03-064, § 388-76-10270, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10270, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10275 Tuberculosis—No testing. The adult family home is not required to have a person tested for tuberculosis if the 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: RCW 70.128.040. WSR 10-03-064, § 388-76-10275, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10275, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10280 Tuberculosis—One test. The adult family home is only required to have a person take one test if the person has any of the following:

(1) A documented history of a negative result from a previous two step 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: RCW 70.128.040. WSR 10-03-064, § 388-76-10280, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10280, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10285 Tuberculosis—Two step skin testing. Unless the person meets the requirement for having no skin testing or only one test, the adult family home, choosing to do skin testing, must ensure that each 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: RCW 70.128.040. WSR 10-03-064, § 388-76-10285, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10285, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10290 Tuberculosis—Positive test result. When there is a positive result to tuberculosis skin or blood testing the adult family home must:

(1) Ensure that the person has a chest X ray within seven days;

(2) Ensure each resident or employee with a positive test result is evaluated for signs and symptoms of tuberculosis; and

(3) Follow the recommendation of the person's health care provider.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10290, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10290, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10295 Tuberculosis—Negative test result. The adult family home may be required by the public health provider or licensing authority to ensure that 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 health provider.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10295, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10295, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10300 Tuberculosis—Declining a skin test. The adult family home must ensure that a person take the blood test for tuberculosis if they decline the skin test.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10300, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10300, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10305 Tuberculosis—Reporting required. The adult family home must:

(1) Report any 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 person's health care provider, including a public health provider; and

(3) Institute appropriate infection control measures.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10305, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10305, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10310 Tuberculosis—Test records. The adult family home must:

(1) Keep the records of tuberculin test results, reports of X-ray findings, and any physician or public health provider orders in the adult family home;

(2) Make the records readily available to the appropriate health authority and licensing agency;

(3) Provide the employee a copy of his/her testing results; and

(4) Retain the records for eighteen months after the date an employee either quits or is terminated.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10310, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10310, filed 10/16/07, effective 1/1/08.]

RESIDENT RECORDS

WAC 388-76-10315 Resident record—Required. The adult family home must:

(1) Create, maintain, and keep records for residents in the home where the resident lives and ensure that the records:

(a) Contain enough information so home can provide the needed care and services to each resident;

(b) Be in a format useful to the home;

(c) Be kept confidential so that only authorized persons see their contents;

(d) Are only released to the following persons:

(i) A health care institution;

(ii) When requested by the law;

(iii) To department representatives; and

(iv) To the resident;

(e) Be protected to prevent loss, alteration or destruction and unauthorized use;

(f) Be kept for three years after the resident leaves the home or death of the resident;

(g) Be available so that department staff may review them when requested; and

(h) Provide access to the resident to review their record and obtain copies of their record at a reasonable cost.

(2) Ensure staff has access to the parts of residents' records needed by staff to provide care and services; and

(3) Allow representatives of the long-term care ombuds access to a resident record if approved by the resident.

[Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10315, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10315, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10320 Resident record—Content. The adult family home must ensure that each resident record contains, at a minimum, the following information:

(1) Identifying information about the resident;

(2) The name, address and telephone number of the resident's:

(a) Representative;

(b) Health care providers;

(c) Significant family members identified by the resident; and

(d) Other individuals the resident wants involved or notified.

(3) Current medical history;

(4) The resident assessment information;

(5) The preliminary service plan;

(6) The negotiated care plan;

(7) List of resident medications;

(8) The resident's Social Security number;

(9) When the resident was:

(a) Admitted to the home;

(b) Absent from the home; and

(c) Discharged from the home.

(10) A current inventory of the resident's personal belongings dated and signed by:

(a) The resident; and

(b) The adult family home.

(11) Financial records.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10320, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10325 Resident record—Legal documents—If available. When available, the adult family home must obtain copies of the following legal documents for the resident's records:

(1) Any powers of attorney granted by the resident, including for health care decision making and financial; and

(2) Court order of guardianship for the resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10325, filed 10/16/07, effective 1/1/08.]

RESIDENT ASSESSMENT

WAC 388-76-10330 Resident assessment. The adult family home must:

(1) Obtain a written assessment that contains accurate information about the prospective resident's current needs and preferences before admitting a resident to the home;

(2) Not admit a resident without an assessment except in cases of a genuine emergency;

(3) Ensure the assessment contains all of the information required in WAC 388-76-10335 unless the assessor can not:

(a) Obtain an element of the required assessment information; and

(b) The assessor documents the attempt to obtain the information in the assessment.

(4) Be knowledgeable about the needs and preferences of each resident documented in the assessment.

[Statutory Authority: RCW 70.128.040. WSR 09-03-029, § 388-76-10330, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10330, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10335 Resident assessment topics. The adult family home must ensure that each resident's assessment includes the following minimum information:

(1) Recent medical history;

(2) Current prescribed medications, and contraindicated medications, including but not limited to, medications known to cause adverse reactions or allergies;

(3) Medical diagnosis reported by the resident, the resident representative, family member, or by a licensed medical professional;

(4) Medication management:

(a) The ability of the resident to be independent in managing medications;

(b) The amount of medication assistance needed;

(c) If medication administration is required; or

(d) If a combination of the elements in (a) through (c) above is required.

(5) Food allergies or sensitivities;

(6) Significant known behaviors or symptoms that may cause concern or require special care, including:

(a) The need for and use of medical devices;

(b) The refusal of care or treatment; and

(c) Any mood or behavior symptoms that the resident has had within the last five years.

(7) Cognitive status, including an evaluation of disorientation, memory impairment, and impaired judgment;

(8) History of depression and anxiety;

(9) History of mental illness, if applicable;

(10) Social, physical, and emotional strengths and needs;

(11) Functional abilities in relationship to activities of daily living including:

(a) Eating;

(b) Toileting;

(c) Walking;

(d) Transferring;

(e) Positioning;

(f) Personal hygiene;

(g) Dressing; and

(h) Bathing.

(12) Preferences and choices about daily life that are important to the resident, including but not limited to:

(a) The food that the resident enjoys;

(b) Meal times; and

(c) Sleeping and nap times.

(13) Activities.

[Statutory Authority: RCW 70.128.040. WSR 09-03-030, § 388-76-10335, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10335, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10340 Preliminary service plan. The adult family home must ensure that each resident has a preliminary service plan that includes:

(1) The resident's specific problems and needs identified in the assessment;

(2) The needs for which the resident chooses not to accept or refuses care or services;

(3) What the home will do to ensure the resident's health and safety related to the refusal of any care or service;

(4) Resident defined goals and preferences; and

(5) How the home will meet the resident's needs.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10340, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10345 Assessment—Qualified assessor—Required. The adult family home must ensure the person performing resident assessments is:

(1) A qualified assessor; or

(2) For a resident who receives care and services paid for by the department, an authorized department case manager.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10345, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10350 Assessment—Updates required. The adult family home must ensure each resident's assessment is reviewed and updated to document the resident's ongoing needs and preferences as follows:

(1) When there is a significant change in the resident's physical or mental condition;

(2) When the resident's negotiated care plan no longer reflects the resident's current status, needs and preferences;

(3) At the resident's request or at the request of the resident's representative; or

(4) At least every twelve months.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10350, filed 10/16/07, effective 1/1/08.]

NEGOTIATED CARE PLAN

WAC 388-76-10355 Negotiated care plan. The adult family home must use the resident assessment and preliminary care plan to develop a written negotiated care plan. The home must ensure each resident's negotiated care plan includes:

(1) A list of the care and services to be provided;

(2) Identification of who will provide the care and services;

(3) When and how the care and services will be provided;

(4) How medications will be managed, including how the resident will get their medications when the resident is not in the home;

(5) The resident's activities preferences and how the preferences will be met;

(6) Other preferences and choices about issues important to the resident, including, but not limited to:

(a) Food;

(b) Daily routine;

(c) Grooming; and

(d) How the home will accommodate the preferences and choices.

(7) If needed, a plan to:

(a) Follow in case of a foreseeable crisis due to a resident's assessed needs;

(b) Reduce tension, agitation and problem behaviors;

(c) Respond to resident's special needs, including, but not limited to medical devices and related safety plans;

(d) Respond to a resident's refusal of care or treatment, including when the resident's physician or practitioner should be notified of the refusal;

(8) Identification of any communication barriers the resident may have and how the home will use behaviors and nonverbal gestures to communicate with the resident;

(9) A statement of the ability for resident to be left unattended for a specific length of time; and

(10) A hospice care plan if the resident is receiving services for hospice care delivered by a licensed hospice agency.

[Statutory Authority: RCW 70.128.040. WSR 09-03-029, § 388-76-10355, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10355, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10360 Negotiated care plan—Timing of development—Required. The adult family home must ensure the negotiated care plan is developed and completed within thirty days of the resident's admission.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10360, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10365 Negotiated care plan—Implementation—Required. The adult family home must implement each resident's negotiated care plan.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10365, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10370 Negotiated care plan—Persons involved in development. The adult family home must involve the following people in developing the negotiated care plan:

(1) The resident, to the greatest extent he or she can participate;

(2) The resident's family, if approved by the resident;

(3) The resident's representative, if the resident has a representative;

(4) Professionals involved in the care of the resident;

(5) Other individuals the resident wants included; and

(6) The department case manager, if the resident is receiving care and services paid for by the department.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10370, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10375 Negotiated care plan—Signatures—Required. The adult family home must ensure that the negotiated care plan is agreed to and signed and dated by the:

(1) Resident; and

(2) Adult family home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10375, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10380 Negotiated care plan—Timing of reviews and revisions. The adult family home must ensure that each resident's negotiated care plan is reviewed and revised as follows:

(1) After an assessment for a significant change in the resident's physical or mental condition;

(2) When the plan, or parts of the plan, no longer address the resident's needs and preferences;

(3) At the request of the resident or the resident representative; or

(4) At least every twelve months.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10380, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10385 Negotiated care plan—Copy to department case manager—Required. When the resident's services are paid for by the department, the adult family home must give the department case manager a copy of the negotiated care plan each time the plan is completed or updated, and after it has been signed and dated.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10385, filed 10/16/07, effective 1/1/08.]

CARE AND SERVICES

WAC 388-76-10390 Admission and continuation of services. The adult family home must only admit or continue to provide services to a person when:

(1) The home can safely and appropriately meet the assessed needs and preferences of the person:

(a) With available staff; and

(b) Through reasonable accommodation.

(2) Admitting the resident does not negatively affect the ability of the home to:

(a) Meet the needs and does not endanger the safety of other residents; or

(b) Safely evacuate all people in the home during an emergency.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10390, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10395 Emergency admissions. (1) The adult family home may only admit a resident to the home without an assessment or a preliminary service plan if a true emergency exists.

(2) To establish that a true emergency exists, the home must verify that the resident's life, health or safety is at serious risk due to circumstances in the resident's current place of residence or harm to the resident has occurred.

(3) After establishing that a true emergency exists, the home must:

(a) Ensure the assessment and preliminary service plan are completed within five working days after admitting the resident, if the resident pays for services with private funds; or

(b) Obtain approval from an authorized department case manager before admission if the resident's care and services are paid by the department or health care authority; and

(c) If approval is obtained verbally, document the time, date, and name of the case manager who gave approval.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10395, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10395, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10400 Care and services. The adult family home must ensure each resident receives:

(1) The care and services identified in the negotiated care plan.

(2) The necessary care and services to help the resident reach the highest level of physical, mental, and psychosocial well-being consistent with resident choice, current functional status and potential for improvement or decline.

(3) The care and services in a manner and in an environment that:

(a) Actively supports, maintains or improves each resident's quality of life;

(b) Actively supports the safety of each resident; and

(c) Reasonably accommodates each resident's individual needs and preferences except when the accommodation endangers the health or safety of the individual or another resident.

(4) Services by the appropriate professionals based upon the resident's assessment and negotiated care plan, including nurse delegation if needed.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10400, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10405 Nursing care. If the adult family home identifies that a resident has a need for nursing care and the home is not able to provide the care per chapter 18.79 RCW, the home must:

(1) Contract with a nurse currently licensed in the state of Washington to provide the nursing care and service; or

(2) Hire or contract with a nurse to provide nurse delegation.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10405, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10410 Laundry services. The adult family home must:

(1) Provide laundry services as needed; and

(2) Launder sheets and pillowcases weekly or more often if soiled.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10410, filed 10/16/07, effective 1/1/08.]

FOOD SERVICES

WAC 388-76-10415 Food services. The adult family home must:

(1) Ensure that the safe food handling training requirements of chapter 388-112 WAC are met; and

(2) Serve meals:

(a) In the home where each resident lives; and

(b) That accommodate each resident's:

(i) Preferences;

(ii) Food allergies and sensitivities;

(iii) Caloric needs;

(iv) Cultural and ethnic background; and

(v) Physical condition that may make food intake difficult such as being hard for the resident to chew or swallow.

[Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10415, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10415, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10420 Meals and snacks. The adult family home must:

(1) Serve at least three meals:

(a) In each twenty-four hour period;

(b) At regular times comparable to normal meal times in the community; and

(c) That meet the nutritional needs of each resident.

(2) Make nutritious snacks available to residents:

(a) Between meals; and

(b) In the evening.

(3) Get input from residents in meal planning and scheduling;

(4) Serve nutrient concentrates, supplements, and modified diets only with written approval of the resident's physician;

(5) Only serve pasteurized milk;

(6) Process any home-canned foods served in the home, according to the latest guidelines of the county cooperative extension service; and

(7) Ensure food is:

(a) In sufficient supply; and

(b) Safe, sanitary, and uncontaminated.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10420, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10420, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10425 Offsite food preparation. The adult family home must ensure:

(1) Persons preparing food, at a location separate from the home, have a current food handler's permit issued by the department of health;

(2) Prepared food transported to the home is in airtight containers; and

(3) Food stays at the appropriate and safe temperature:

(a) During transportation; and

(b) When served.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10425, filed 10/16/07, effective 1/1/08.]

RESIDENT MEDICATIONS

WAC 388-76-10430 Medication system. (1) If the adult family home admits residents who need medication assistance or medication administration services by a legally authorized person, the home must have systems in place to ensure the services provided meet the medication needs of each resident and meet all laws and rules relating to medications.

(2) When providing medication assistance or medication administration for any resident, the home must ensure each resident:

(a) Assessment indicates the amount of medication assistance needed by the resident;

(b) Negotiated care plan identifies the medication service that will be provided to the resident;

(c) Medication log is kept current as required in WAC 388-76-10475;

(d) Receives medications as required.

(3) Records are kept which include a current list of prescribed and over-the-counter medications including name, dosage, frequency and the name and phone number of the practitioner as needed.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10430, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10435 Medication refusal. (1) Each resident has the right to refuse to take medications.

(2) If the adult family home is assisting with or administering a resident's medications and the resident refuses to take or does not receive a prescribed medication:

(a) The home must notify the resident's practitioner; unless

(b) The provider, entity representative, resident manager or caregiver is a nurse or other health professional, acting within their scope of practice, is able to make a judgment about the impact of the resident's refusal.

(3) If the home becomes aware that a resident who self-administers, or takes their own medications, refuses to take a prescribed medication:

(a) The home must notify the practitioner; unless

(b) The provider, entity representative, resident manager or caregiver is a nurse or other health professional, acting within their scope of practice, is able to make a judgment about the impact of the resident's refusal.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10435, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10440 Medication—Assessment—Identification of amount of assistance needed when taking medications. (1) The adult family home must:

(a) Ensure each resident assessment identifies the amount of assistance the resident needs when taking medications; and

(b) Let the practitioner know when the following may affect the resident's ability to take their medications:

(i) Resident's physical or mental limitations; and

(ii) The setting or environment where the resident lives.

(2) The amount of assistance needed by a resident when taking their medications is as follows:

(a) *Independent self-administration* is when the resident does not need help taking medications and is able to directly take medications by eating or drinking, inhaling, by shot, through the skin or other means;

(b) *Self-administration with assistance*, as described in chapter 246-888 WAC, is when a resident is assisted in taking their medication by a nonpractitioner; and

(c) *Medication administration* is when medications are administered to the resident by a person legally authorized to do so, such as but not limited to a physician, nurse or pharmacist or through nurse delegation.

(3) The home must contact the resident's practitioner who will decide if a reassessment is necessary when:

(a) The resident has a change in the health status, medications, physical or mental limitations, or environment that might change the resident's need for medication assistance; or

(b) There is a need for a resident to have more than one type of medication assistance.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10440, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10445 Medication—Independent—Self-administration. The adult family home must ensure residents who have medication assistance assessed as independent self-administration:

(1) Administer their own medications; and

(2) Are allowed to keep their prescribed and over-the-counter medications securely locked in either their room or another agreed upon area if documented in the resident negotiated care plan.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10445, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10450 Medication—Self-administration with assistance. (1) For the purposes of this section "enabler" means a physical device used to facilitate a resident's self-administration of a prescribed or over-the-counter medication. Physical devices include, but are not limited to a medicine cup, glass, cup, spoons, bowl, prefilled syringes, syringes used to measure oral liquids, specially adapted table surfaces, drinking straw, piece of cloth, and the resident's hand.

(2) The adult family home must ensure that the resident can:

(a) Put the medication into their own mouth; or

(b) Apply, inject, or instill the medications.

(3) The home must:

(a) Provide set-up assistance just before the resident takes or applies the medication; or

(b) Only give oral medications through a gastrostomy or "g-tube" when ordered by the practitioner; and

(c) Ensure the resident is aware they are taking a medication, however the resident does not have to name the medication, effects or side effects.

(4) Self-administration with assistance:

(a) Does not include shots or intravenous medications as defined in WAC 246-888-020, except for a prefilled insulin syringe;

(b) May include steadying or guiding a resident's hand while applying or instilling medications such as ointments, eye, ear and nasal preparations, but does not include the prac-

tice of "hand-over-hand" (total physical assistance) administration;

(c) May include transferring the medications from one container to another to make a single dose such as pouring a liquid from the medication container to a calibrated spoon or measuring cup;

(d) May include reminding or coaching the resident to take their medication;

(e) Does not include direct assistance with intravenous and injectable medications except the home may carry a prefilled insulin syringe which the resident can administer;

(f) May include using an enabler; and

(g) Could include delivering a prefilled insulin syringe to the resident if the resident independently self-administers the injection per WAC 246-888-020.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10450, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10455 Medication—Administration. For residents assessed with requiring the administration of medications, the adult family home must ensure medication administration is:

(1) Performed by a practitioner as defined in chapter 69.41 RCW; or

(2) By nurse delegation per WAC 246-840-910 through 246-840-970; unless

(3) Done by a family member or legally appointed resident representative.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10455, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10455, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10460 Medication—Negotiated care plan. The adult family home must ensure that each resident's negotiated care plan addresses:

(1) The amount of medication assistance needed by each resident, including but not limited to:

(a) The reasons why a resident needs that amount of medication assistance; and

(b) When there is a need for the resident to have more than one type of medication assistance.

(2) How the resident will get their medications when the resident is away from the home or when a family member or resident representative is assisting with medications is not available.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10460, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10463 Medication—Psychopharmacologic. For residents who are given psychopharmacologic medications, the adult family home must ensure:

(1) The resident assessment indicates that a psychopharmacologic medication is necessary to treat the resident's medical symptoms;

(2) The drug is prescribed by a physician or health care professional with prescriptive authority;

(3) The resident's negotiated care plan includes strategies and modifications of the environment and staff behavior to address the symptoms for which the medication is prescribed;

(4) Changes in medication only occur when the prescriber decides it is medically necessary; and

(5) The resident or resident representative is aware the resident is taking the psychopharmacologic medication and its purpose.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10463, filed 10/4/16, effective 11/4/16; WSR 16-06-004, § 388-76-10463, filed 2/17/16, effective 4/1/16.]

WAC 388-76-10465 Medication—Altering—Requirements. (1) For the purposes of this section "altering a medication" means the alteration of prescribed or over the counter medications and includes, but is not limited to crushing tablets, cutting tablets in half; opening capsules and mixing powdered medications with food or liquids.

(2) The adult family home must consult with the practitioner or pharmacist before altering a medication and if the practitioner or pharmacist agrees with altering a medication, record the:

(a) Time;

(b) Date; and

(c) Name of the person who provided the consultation.

(3) The home must ensure the resident is aware that a medication is:

(a) Altered; and/or

(b) Put in the resident's food or drink.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10465, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10470 Medication—Timing—Special directions. (1) The adult family home must ensure medications are given:

(a) At the specific time(s) ordered by the practitioner; and

(b) As follows, when the practitioner does not order a medication to be given at a specific time:

(i) One time per day, approximately every twenty four hours;

(ii) Two times a day, approximately twelve hours apart;

(iii) Three times a day, approximately six hours apart; and

(iv) Four times a day, approximately four hours apart.

(2) The home must ensure all directions given by the practitioner are followed when assisting or giving each resident medication. This includes but is not limited to:

(a) Before meals;

(b) After meals;

(c) With or without food; and

(d) At bed time.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10470, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10475 Medication—Log. The adult family home must:

(1) Keep an up-to-date daily medication log for each resident except for residents assessed as medication independent with self-administration.

(2) Include in each medication log the:

(a) Name of the resident;

(b) Name of all prescribed and over-the-counter medications;

(c) Dosage of the medication;

(d) Frequency which the medications are taken; and

(e) Approximate time the resident must take each medication.

(3) Ensure the medication log includes:

(a) Initials of the staff who assisted or gave each resident medication(s);

(b) If the medication was refused and the reason for the refusal; and

(c) Documentation of any changes or new prescribed medications including:

(i) The change;

(ii) The date of the change;

(iii) A logged call requesting written verification of the change; and

(iv) A copy of written verification of the change from the practitioner received by the home by mail, facsimile, or other electronic means, or on new original labeled container from the pharmacy.

(4) Ensure that the changed or new medication is received from the pharmacy.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10475, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10480 Medication organizers. The adult family home must ensure:

(1) A licensed nurse, pharmacist, the resident or the resident's family member fills a resident's medication organizer;

(2) Prescribed and over-the-counter medications placed in a medication organizer come from the original container labeled for the resident by the pharmacist or pharmacy service;

(3) Each resident and anyone giving care to a resident can readily identify medications in the medication organizer;

(4) Medication organizer labels clearly show the following:

(a) The name of the resident;

(b) A list of all prescribed and over-the-counter medications;

(c) The dosage of each medication;

(d) The frequency which the medications are given.

(5) The person filling the medication organizer updates the labels on the medication organizer when the practitioner changes a medication.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10480, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10485 Medication storage. The adult family home must ensure all prescribed and over-the-counter medications are stored:

(1) In locked storage;

(2) In the original container with legible and original labels; and

(3) Appropriately for each medication, such as if refrigeration is required for a medication and the medication is kept in refrigerator in locked storage.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10485, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10490 Medication disposal—Written policy—Required. The adult family home must have and implement a written policy addressing the disposal of unused or expired resident medications. Unused and expired medication must be disposed of in a safe manner for:

(1) Current residents living in the adult family home; and

(2) Residents who have left the home.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10490, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10490, filed 10/16/07, effective 1/1/08.]

SPECIALTY CARE

WAC 388-76-10495 Specialty care—Designations. The department may designate an adult family home to provide specialty care in one or more of the following areas:

(1) Developmental disability;

(2) Mental illness; and

(3) Dementia.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10495, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10500 Granting specialty care designation—Requirements. The department will grant a specialty designation when:

(1) The provider, entity representative and resident manager has successfully completed training in one or more of the specialty care designated areas;

(2) The home provides the department with written documentation:

(a) Of successful completion of the required specialty care training or challenge test for each person in subsection (1) of this section; and

(b) For the specialty care training for all caregivers in the adult family home provided by a person knowledgeable in specialty care.

(3) The home ensures the specialty care need of each resident is met.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10500, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10505 Specialty care—Admitting and retaining residents. The adult family home must not admit or keep a resident with specialty care needs, such as developmental disability, mental illness, or dementia as defined in WAC 388-76-10000, if the provider, entity representative, resident manager and staff have not completed the specialty care training required by chapter 388-112 WAC.

[Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10505, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10505, filed 10/16/07, effective 1/1/08.]

RESIDENT RIGHTS

WAC 388-76-10510 Resident rights—Basic rights. The adult family home must ensure that each resident:

(1) Receives appropriate services;

(2) Is treated with courtesy;

(3) Continues to enjoy basic civil and legal rights;

(4) Has the chance to exercise reasonable control over life decisions such as choice, participation, and privacy;

(5) Is provided the opportunity to engage in religious, political, civic, recreational, and other social activities of their choice;

(6) Is cared for in a manner and in an environment that promotes maintenance or enhancement of each resident's quality of life including a safe, clean, comfortable, and home-like environment; and

(7) Is allowed to use his or her personal belongings to the extent possible.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10510, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10515 Resident rights—Exercise of rights. The adult family home must:

(1) Protect each resident's right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the home;

(2) Protect and promote the rights of each resident and assist the resident to exercise his or her rights as a resident of the home, as a citizen or resident of the United States and the state of Washington.

(3) Be free of interference, coercion, discrimination, and reprisal from the home in exercising his or her rights; and

(4) Ensure the resident's right to choose a representative who may exercise the resident's rights to the extent provided by law.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10515, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10520 Resident rights—General notice. The adult family home must:

(1) Inform each resident both orally and in writing in a language the resident understands of resident rights, including rights under chapter 70.129 RCW and all rules and regulations governing resident conduct and responsibilities during the stay in the home;

(2) Ask the resident to sign and date they received the information; and

(3) Provide a statement indicating whether the adult family home will accept medicaid or other public funds as a source of payment for services.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10520, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10520, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10522 Resident rights—Notice—Policy on accepting medicaid as a payment source. The adult family home must fully disclose the home's policy on accepting medicaid payments. The policy must:

(1) Clearly state the circumstances under which the adult family home 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: RCW 70.128.040. WSR 10-03-064, § 388-76-10522, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10525 Resident rights—Description. The adult family home must give each resident a written description of resident's rights that includes a:

(1) Description of how the home will protect personal funds;

(2) Posting of names, addresses, and telephone numbers of the:

(a) State survey and certification agency;

(b) State licensing office;

(c) State ombuds program; and

(d) Protection and advocacy systems.

(3) Statement informing the resident that he or she may file a complaint with the appropriate state licensing agency concerning alleged abandonment, abuse, neglect, or financial exploitation.

[Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10525, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10525, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10530 Resident rights—Notice of services. The adult family home must provide each resident notice in writing and in a language the resident understands before admission, and at least once every twenty-four months after admission of the:

(1) Services, items, and activities customarily available in the home or arranged for by the home as permitted by the license;

(2) Charges for those services, items, and activities including charges for services, items, and activities not covered by the home's per diem rate or applicable public benefit programs; and

(3) Rules of the home's operations.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10530, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10532 Resident rights—Standardized disclosure of services form. The adult family home is required to complete the department's standardized disclosure of services form.

(1) The home must:

(a) List on the form the scope of care and services available in the home;

(b) Send the completed form to the department; and

(c) Provide an updated form to the department thirty days prior to changing services, except in emergencies, when the scope of care and services is changing.

(2) The form does not:

(a) Replace the notice of services required when a resident is admitted to the adult family home as directed in chapter 388-76-10530 WAC.

(b) Replace any other form or policy as required in chapter 388-76 WAC.

[Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10532, filed 1/12/15, effective 2/12/15.]

WAC 388-76-10535 Resident rights—Notice of change to services. (1) The adult family home must inform each resident in advance of changes to services, items, activities, scope of care, or home rules as follows:

(a) In writing;

(b) At least fourteen days before the effective date of a change due to a substantial and continuing change in the resident's condition that necessitates substantially greater or lesser services, items, or activities;

(c) At least thirty days before the effective date of a change that decreases the scope of care, services, or activities due to circumstances beyond the home's control; and

(d) At least ninety days before the effective date the home voluntarily decreases the scope of care, services, or activities the home provides, if the change will result in the discharge of at least one resident.

(2) The home is not required to notify the resident if the home provides him or her different or additional services, items, or activities that do not result in an additional cost to the resident.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10535, filed 10/4/16, effective 11/4/16; WSR 16-01-171, § 388-76-10535, filed 12/22/15, effective 1/22/16; WSR 15-03-037, § 388-76-10535, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10535, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10540 Resident rights—Disclosure of fees and charges—Notice requirements—Deposits. (1) The adult family home must complete the department's disclosure of charges form and provide a copy to each resident admitted to the home.

(2) If the adult family home requires an admission fee, deposit, prepaid charges, or any other fees or charges, by or on behalf of a person seeking admission, the home must give the resident full disclosure in writing in a language the resident understands prior to its receipt of any funds.

(3) The disclosure must include:

(a) A statement of the amount of any admissions fees, security deposits, prepaid charges, minimum stay fees, or any other fees or charges specifying what the funds are paid for and the basis for retaining any portion of the funds if the resident dies, is hospitalized, transferred, or discharged from the home;

(b) The home's advance notice or transfer requirements; and

(c) The amount of the security deposits, admission fees, prepaid charges, minimum stay fees, or any other fees or charges that the home will refund to the resident if the resident leaves the home.

(4) The home must ensure that the resident and home sign and date an acknowledgement in writing stating that the resident has received a disclosure required under subsection (2) of this section. The home must retain a copy of the disclosure and acknowledgement.

(5) If the home does not provide the disclosures in subsection (3) to the resident, the home must not keep the resident's security deposits, admission fees, prepaid charges, minimum stay fees, or any other fees or charges.

(6) If a resident dies, is hospitalized, or is transferred to another facility for more appropriate care and does not return to the home, the adult family home:

(a) Must refund any deposit or charges paid by the resident less the home's per diem rate for the days the resident actually resided, reserved, or retained a bed in the home regardless of any minimum stay policy or discharge notice requirements;

(b) May keep an additional amount to cover its reasonable and actual expenses incurred as a result of a private-pay resident's move, not to exceed five days per diem charges, unless the resident has given advance notice in compliance with the home's admission agreement; and

(c) Must not require the resident to obtain a refund from a placement agency or person.

(7) The adult family home must not retain funds for reasonable wear and tear by the resident or for any basis that would violate RCW 70.129.150.

(8) The adult family home must provide the resident with any and all refunds due to him or her within thirty days from the resident's date of discharge from the home.

(9) Nothing in this section applies to provisions in contracts negotiated between a home and a certified health plan, health or disability insurer, health maintenance organization, managed care organization, or similar entities.

(10) The home must ensure that any resident admission agreement is consistent with the requirements of this section, chapters 70.128, 70.129, and 74.34 RCW, and other applicable state and federal laws.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10540, filed 10/4/16, effective 11/4/16; WSR 15-03-037, § 388-76-10540, filed 1/12/15, effective 2/12/15; WSR 12-01-004, § 388-76-10540, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10540, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10540, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10545 Resident rights—Admitting and keeping residents. The adult family home must:

(1) Only admit or keep individuals whose needs the home can safely serve in the home:

(a) With appropriate available staff; and

(b) Through the provision of reasonable accommodations required by state and federal law.

(2) Not admit an individual before obtaining a thorough assessment of the resident's needs and preferences, except in cases of a genuine emergency;

(3) Ensure that the admission of the individual does not negatively affect the ability of the home to meet the needs of or endangers the safety of other residents; and

(4) Comply with all applicable federal and state requirements regarding nondiscrimination.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10545, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10550 Resident rights—Adult family home staffing—Notification required. The adult family home must provide the following information to prospective residents and current residents:

(1) Information about the provider, entity representative and resident manager, if there is a resident manager:

(a) Availability in the home, including a general statement about how often he or she is in the home;

(b) Education and training relevant to resident caregiving;

(c) Caregiving experience;

(d) His or her primary responsibilities, including whether he or she makes daily general care management decisions; and

(e) How to contact the provider, entity representative or resident manager when he or she is not in the home.

(2) Information about a licensed practical nurse or registered nurse, if there is one, who is in any way involved in the care of residents:

(a) Who the licensed practical nurse or registered nurse is employed by;

(b) The specific routine hours that the licensed practical nurse or registered nurse is on-site, if they are on-site routinely;

(c) His or her primary responsibilities, including whether he or she makes daily general care management decisions;

(d) The nonroutine times when the licensed practical nurse or registered nurse will be available, such as on-call; and

(e) A description of what the provider or entity representative will do to make available the services of a licensed nurse in an emergency or change in a resident's condition.

(3) A statement indicating whether the provider, caregiver or staff is qualified or willing to become qualified to perform nurse delegation as allowed under state law.

[Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10550, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10550, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10555 Resident rights—Financial affairs. Each resident has the right to manage his or her financial affairs, and the adult family home cannot require any resident to deposit their personal funds with the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10555, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10560 Resident rights—Adult family home management of resident financial affairs. If the adult family home agrees to manage a resident's personal funds, the home must do all of the following:

(1) Hold, safeguard, manage, and account for the personal funds of the resident deposited with the home;

(2) Have a written authorization from the resident;

(3) Deposit a resident's personal funds in excess of one hundred dollars in an interest-bearing account or accounts separate from any of the home's operating accounts, and that credits all interest earned on residents' funds to that account;

(4) If funds are pooled accounts, there must be a separate accounting for each resident's share; and

(5) Keep a resident's personal funds that do not exceed one hundred dollars in a noninterest-bearing account, interest-bearing account, or petty cash fund.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10560, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10561 Resident rights—Resident security deposit account. Any funds in excess of one hundred dollars that are paid to an adult family home as a security deposit or as prepayment for charges beyond the first month's residency:

(1) Must be deposited by the adult family home in an interest bearing account that is separate from any of the home's operating accounts and credits all interest earned on the resident's funds to that account. The adult family home must:

(a) Ensure that a record of the account is available upon the request of the resident or their representative;

(b) Not commingle resident funds from these accounts with the adult family home's funds or with the funds of any person other than another resident. If resident funds are commingled, the home must provide each resident with a separate accounting for their share;

(c) Ensure that the account or accounts are held in a financial institution as defined in RCW 30.22.041, and notify each resident in writing of the name, address, and location of the depository.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10561, filed 12/7/11, effective 1/7/12.]

WAC 388-76-10565 Resident rights—Adult family home system for management of resident financial affairs. The adult family home that manages resident funds must:

(1) Develop and maintain a system that assures a full, complete, and separate accounting of each resident's personal funds given to the home on the resident's behalf;

(2) Ensure the:

(a) System prevents resident funds from being mixed with the home's funds or with the funds of any person other than another resident; and

(b) Individual financial record is available upon request to the resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10565, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10570 Resident rights—Financial affairs related to resident death. If a resident's personal funds are deposited with the adult family home, the home must give the resident's funds and a final accounting of the funds within thirty days after the resident's death to the individual or probate jurisdiction administering the resident's estate; except for a resident who received long-term care services paid by the state, the home must send funds and accounting to the state of Washington, department of social and health services, office of financial recovery.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10570, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10570, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10575 Resident rights—Privacy. (1) The adult family home must ensure the right of each resident to personal privacy that includes:

(a) The home;

(b) Medical treatment;

(c) Clinical or resident records;

(d) Personal care; and

(e) Visits and meetings of family and resident groups; however

(2) The resident right to personal privacy does not require the home to provide a private room for each resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10575, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10580 Resident rights—Grievances. The adult family home must:

(1) Ensure each resident's right to voice grievances, including those about care and treatment given or not given that has been furnished as well as that which has not been furnished; and

(2) Make prompt efforts to resolve grievances the resident may have, including those about the behavior of other residents.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10580, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10584 Resident rights—Examination of license. The adult family home must place its license to operate and any conditions on the license, in a visible location in a common use area where it can be examined by residents, resident representatives, the department and anyone interested without having to ask for them.

[Statutory Authority: RCW 70.128.040. WSR 10-14-058, § 388-76-10584, filed 6/30/10, effective 7/31/10.]

WAC 388-76-10585 Resident rights—Examination of inspection results. (1) The adult family home must place the following documents in a visible location in a common use area where they can be examined by residents, resident representatives, the department and anyone interested without having to ask for them.

(a) A copy of the most recent inspection report and related cover letter; and

(b) A copy of all complaint investigation reports, and any related cover letters received since the most recent inspection or not less than the last twelve months.

(2) The adult family home must post a notice that the following documents are available for review if requested by the residents, resident representatives, the department and anyone interested.

(a) A copy of each inspection report and related cover letter received during the past three years; and

(b) A copy of any complaint investigation reports and related cover letters received during the past three years.

[Statutory Authority: RCW 70.128.040. WSR 10-14-058, § 388-76-10585, filed 6/30/10, effective 7/31/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10585, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10590 Resident rights—Contact with client advocates. The adult family home must ensure that each resident:

(1) Receives information from client advocate agencies; and

(2) Has opportunities to contact client advocate agencies.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10590, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10595 Resident rights—Advocacy access and visitation rights. The adult family home must not interfere with each resident's right to have access to and from:

(1) Any representative of the state;

(2) The resident's own physician;

(3) The state long-term care ombuds program as established under chapter 43.190 RCW;

(4) The agency responsible for the protection and advocacy system for developmentally disabled individuals as established under Part C of the developmental disabilities assistance and bill of rights act;

(5) The agency responsible for the protection and advocacy system for mentally ill individuals as established under the protection and advocacy for mentally ill individuals act;

(6) Immediate family or other relatives of the resident and others who are visiting with the consent of the resident, subject to reasonable limits to protect the rights of others and to the resident's right to deny or withdraw consent at any time;

(7) The agency responsible for the protection and advocacy system for individuals with disabilities as established under section 509 of the Rehabilitation Act of 1973, as amended, who are not served under the mandates of existing protection and advocacy systems created under federal law; and

(8) The resident's representative or an entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

[Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10595, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10595, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10600 Resident rights—Mail and telephone privacy. The adult family home must ensure each resident's right to privacy in communications, including the right to:

(1) Send and receive unopened mail without delay;

(2) Have writing paper, postage, and pens or pencils available that have been paid for by resident; and

(3) Be able to use a telephone where calls can be made without being overheard.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10600, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10605 Resident rights—Personal property and storage space. The adult family home must ensure each resident's right to keep and use personal possessions, including some furnishings, and appropriate clothing, as space permits, unless to do so would infringe upon the rights or health and safety of other residents.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10605, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10610 Resident rights—Waiver of liability. The adult family home must not ask the resident for, or make the resident sign waivers of:

(1) Potential liability for losses of personal property or injury; and

(2) Residents' rights set forth in chapters 70.128, 70.129, 74.34 RCW, this chapter or in the applicable licensing laws.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10610, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10615 Resident rights—Transfer and discharge. (1) The adult family home must allow each resident to stay in the home, and not transfer or discharge the resident unless:

(a) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the home;

(b) The safety or health of individuals in the home is or would otherwise be endangered;

(c) The resident has failed to make the required payment for his or her stay; or

(d) The home ceases to operate.

(2) Before a home transfers or discharges a resident, the home must:

(a) First attempt through reasonable accommodations to avoid the transfer or discharge, unless agreed to by the resident;

(b) Notify the resident and representative and make a reasonable effort to notify, if known, an interested family member of the transfer or discharge and the reasons for the move in writing and in a language and manner they understand;

(c) Record the reasons in the resident's record; and

(d) Include in the notice the items described in subsection (5) of this section.

(3) Except as specified in (4) of this section, the home must give notice of the transfer or discharge at least thirty days before the resident is transferred or discharged.

(4) The home may make the notice as soon as practicable before transfer or discharge when:

(a) The safety and health of the individuals in the home would be endangered;

(b) An immediate transfer or discharge is required by the resident's urgent medical needs; or

(c) A resident has not resided in the home for thirty days.

(5) The home must include the following in the written notice specified in subsection (2) of this section:

(a) The reason for transfer or discharge;

(b) The effective date of transfer or discharge;

(c) The location where the resident is transferred or discharged;

(d) The name, address, and telephone number of the state long-term care ombuds;

(e) For residents with developmental disabilities, the mailing address and telephone number of the agency responsible for the protection and advocacy of developmentally disabled individuals; and

(f) For residents who are mentally ill, the mailing address and telephone number of the agency responsible for the protection and advocacy of mentally ill individuals.

(6) The home must give residents enough preparation and orientation to ensure a safe and orderly transfer or discharge from the home.

(7) If the home discharges a resident in violation of this section, the home must readmit the resident to the home as soon as a gender-appropriate bed becomes available.

[Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10615, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10615, filed 10/16/07, effective 1/1/08.]

QUALITY OF LIFE

WAC 388-76-10620 Resident rights—Quality of life—General. (1) The adult family home must promote care for residents in a manner and in an environment that maintains or enhances each resident's dignity and respect in full recognition of his or her individuality.

(2) Within reasonable home rules designed to protect the rights and quality of life of residents, the home must ensure the resident's right to:

(a) Choose activities, schedules, and health care consistent with his or her interests, assessments, and negotiated care plan;

(b) Interact with members of the community both inside and outside the home;

(c) Make choices about aspects of his or her life in the home that are significant to the resident;

(d) Wear his or her own clothing and decide his or her own dress, hair style, or other personal effects according to individual preference;

(e) Unless adjudged incompetent or otherwise found to be legally incapacitated to:

(i) Be informed in advance about recommended care and services and of any recommended changes in the care and services;

(ii) Participate in planning care and treatment or changes in care and treatment;

(iii) Direct his or her own service plan and changes in the service plan, or

(iv) Refuse any particular service so long as such refusal is documented in the record of the resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10620, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10625 Resident rights—Quality of life—Meetings. The adult family home must ensure:

(1) A resident's right to:

(a) Organize and take part in resident groups in the home;

(b) Have family meet in the home with the families of other residents; and

(c) Have staff or visitors attend meetings at the group's invitation.

(2) The home must provide a resident or family group, if one exists, with meeting space.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10625, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10630 Resident rights—Quality of life—Adult family home response to issues. When a resident or family group exists, the adult family home must listen to the views and act upon the grievances and recommendations of residents and families about proposed policy and operational decisions affecting resident care and life in the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10630, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10635 Resident rights—Quality of life—Work. The adult family home must respect the resident's right to refuse to perform services for the home except as voluntarily agreed to by the resident and the home and documented in the resident's negotiated care plan.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10635, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10640 Resident rights—Quality of life—Resident participation. The adult family home must ensure each resident's right to join in social, religious, and community activities that do not interfere with the rights of other residents in the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10640, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10645 Resident rights—Quality of life—Reasonable accommodation. The adult family home must ensure each resident:

(1) Receives reasonable accommodation to meet the needs and preferences of the resident, except when the reasonable accommodation endangers the health or safety of the individual or other residents; and

(2) Has the ability to share a double room with his or her spouse or domestic partner when both spouses or domestic partners consent to the arrangement.

[Statutory Authority: RCW 70.128.040. WSR 09-03-030, § 388-76-10645, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10645, filed 10/16/07, effective 1/1/08.]

MEDICAL DEVICES AND RESTRAINTS

WAC 388-76-10650 Medical devices. (1) The adult family home must not use a medical device with a known safety risk as a restraint or for staff convenience.

(2) Before a medical device with a known safety risk is used by a resident, the home must:

(a) Ensure an assessment has been completed that identifies the resident's need and ability to safely use the medical device;

(b) Provide the resident and his or her family or legal representative with information about the device's benefits and safety risks to enable them to make an informed decision about whether to use the device;

(c) Ensure the resident's negotiated care plan includes how the resident will use the medical device; and

(d) Ensure the medical device is properly installed.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10650, filed 10/4/16, effective 11/4/16. Statutory Authority: RCW 70.128.-040. WSR 09-03-029, § 388-76-10650, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10650, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10655 Physical and mechanical restraints. The adult family home must ensure:

(1) Each resident's right to be free from physical and mechanical restraints used for discipline or convenience;

(2) Prior to the use of physical or mechanical restraints, less restrictive alternatives have been tried and documented in the resident's negotiated care plan;

(3) The physical or mechanical restraints have been assessed as necessary to treat the resident's medical symptoms and addressed on the resident's negotiated care plan; and

(4) If physical or mechanical restraints are used to treat a resident's medical symptoms, the restraints are applied and immediately supervised on-site by a:

(a) Licensed registered nurse;

(b) Licensed practical nurse; or

(c) Licensed physician.

(5) For the purposes of this section, "immediately supervised" means that the licensed person is in the home and quickly and easily available.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10655, filed 10/4/16, effective 11/4/16; WSR 16-06-004, § 388-76-10655, filed 2/17/16, effective 4/1/16. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10655, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10660 Chemical restraints. (1) "Chemical restraint(s)" cannot be used for discipline or convenience.

(2) Must only be used within the guidelines as "chemical restraint" is defined.

[Statutory Authority: Chapter 70.128 RCW. WSR 17-01-002, § 388-76-10660, filed 12/7/16, effective 1/7/17; WSR 16-06-004, § 388-76-10660, filed 2/17/16, effective 4/1/16. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10660, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10665 Involuntary seclusion. The adult family home must ensure a resident's right to be free from involuntary seclusion or isolation of the resident against his or her will.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10665, filed 10/16/07, effective 1/1/08.]

ABUSE

WAC 388-76-10670 Prevention of abuse. The adult family home must:

(1) Meet the requirements of chapter 74.34 RCW;

(2) Ensure each resident's right to be free from abandonment, verbal, sexual, physical and mental abuse, exploitation, financial exploitation, neglect, and involuntary seclusion;

(3) Protect each resident who is an alleged victim of abandonment, verbal, sexual, physical and mental abuse, exploitation, financial exploitation, neglect, and involuntary seclusion; and

(4) Prevent future potential abandonment, verbal, sexual, physical and mental abuse, exploitation, financial exploitation, neglect, and involuntary seclusion from occurring.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10670, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10673 Abuse and neglect reporting—Mandated reporting to department—Required. (1) In accordance with chapter 74.34 RCW, all providers, entity representatives, resident managers, owners, caregivers, staff, and students that provide care and services to residents, are mandated reporters and must immediately report to the department when there is:

(a) A reasonable cause to believe that abandonment, abuse, exploitation, financial exploitation, or neglect of a vulnerable adult has occurred; or

(b) A reason to suspect that sexual assault of a vulnerable adult has occurred.

(2) Reports must be made to:

(a) The centralized toll free telephone number provided by the department; and

(b) The appropriate law enforcement agencies, as required under chapter 74.34 RCW.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10673, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-10673, filed 2/15/08, effective 3/17/08.]

WAC 388-76-10675 Adult family home rules and policies related to abuse—Required. The adult family home must develop and implement written rules and policies that:

(1) Do not allow abandonment, abuse, neglect of any resident, exploitation or financial exploitation of any resident;

(2) Require staff to report possible abuse, and other related incidents, as required in chapter 74.34 RCW; and

(3) Do not interfere with the requirement that employees and other mandated reporters file reports directly with the department, and with law enforcement, if they suspect sexual or physical assault to have occurred.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10675, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10680 Staff behavior related to abuse. The adult family home must ensure that staff do not abandon, abuse, neglect, seclude, exploit, or financially exploit any resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10680, filed 10/16/07, effective 1/1/08.]

PHYSICAL PLANT BASIC REQUIREMENTS

WAC 388-76-10685 Bedrooms. The adult family home must:

(1) Ensure each resident's bedroom is an outside room, which allows entrance of natural light;

(2) Ensure window and door screens:

(a) Do not hinder emergency escape; and

(b) Prevent entrance of flies and other insects.

(3) Ensure each resident, including those using mobility aids such as wheelchairs and walkers has direct, unrestricted, and free access from the bedroom through doors, hallways and corridors to common use areas and other rooms used for care and services including bathrooms;

(4) Make separate bedrooms available for each sex;

(5) Make reasonable efforts to accommodate residents wanting to share the room;

(6) Provide each bedroom with a minimum usable floor space as required in WAC 388-76-10690.

(7) Give each resident the opportunity to have a lock on their door if they chose to unless having a locked door would be unsafe for the resident and this is documented in the resident's negotiated careplan.

(8) Ensure each bedroom has a closet or a wardrobe, armoire or reasonable facsimile thereof. Neither the closet nor wardrobe/armoire floor space will be considered a part of the room's usable square footage. The home must not remove a closet in order to provide additional floor space.

(9) Ensure no more than two residents to a bedroom;

(10) Unless the resident chooses to provide their own furniture and bedding, the home must provide each resident a bed thirty-six inches or more wide with:

(a) A clean, comfortable mattress;

(b) A waterproof cover for use when needed or requested by the resident;

(c) Clean sheets and pillow cases;

(d) Adequate clean blankets to meet the needs of each resident; and

(e) Clean pillows.

(11) Not use the upper bunk of double-deck beds for a resident's bed;

(12) Provide a call bell or intercom system if the provider, entity representative, resident manager or caregiver bedroom is not within hearing distance of each resident bedroom and the system is required by the department;

(13) Ensure that members of the household, other than residents, do not share bedrooms with residents; and

(14) Ensure a resident does not share a bedroom with a person under eighteen years of age, unless the person is the resident's own child.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-06-004, § 388-76-10685, filed 2/17/16, effective 4/1/16. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10685, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10685, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10690 Bedroom usable floor space—In adult family homes after the effective date of this chapter. (1) For the purposes of this section "vestibule" means a small room or hall between an outer door and the main part of the resident bedroom.

(2) The adult family home must ensure each resident bedroom has a minimum usable floor space as follows, excluding the floor space for toilet rooms, closets, lockers, wardrobes and vestibules:

(a) Single occupancy bedrooms with at least eighty square feet; and

(b) Double occupancy bedrooms with at least one-hundred twenty square feet.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10690, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10695 Building codes—Structural requirements. (1) For single family dwellings used as an adult family home after July 1, 2007, the home must ensure the building meets the requirements of WAC 51-51-0325 Section R325 if the building is:

(a) New; or

(b) An existing building converted for use as an adult family home.

(2) For buildings licensed as a home before July 1, 2007, the requirement of subsection (1) of this section does not apply if:

(a) The building sells or transfers to a new owner; and

(b) The new owner takes possession of the building before the issuance of the license.

(3) The home must ensure that every area used by residents:

(a) Has direct access to at least one exit which does not pass through other areas such as a room or garage subject to being locked or blocked from the opposite side; and

(b) Is not accessible only by or with the use of a:

(i) Ladder;

(ii) Folding stairs; or

(iii) Trap door.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10695, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10700 Building official—Inspection and approval. The adult family home must have the building inspected and approved for use as an adult family home by the local building official:

(1) Before licensing; and

(2) After any construction changes that:

(a) Affect resident's ability to exit the home; or

(b) Change, add or modify a resident's bedroom.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10700, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10705 Common use areas. (1) For the purposes of this section, common use areas:

(a) Are areas and rooms of the adult family home that residents use each day for tasks such as eating, visiting, and leisure activities; and

(b) Include but are not limited to dining and eating rooms, living and family rooms, and any entertainment and recreation areas.

(2) The adult family home must ensure common use areas are:

(a) Homelike, with furnishings that each resident may use;

(b) Large enough for all residents to use at the same time; and

(c) Not used as bedrooms or sleeping areas.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10705, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10710 Construction and remodeling—Relocation of residents. Before moving all residents out of the adult family home for construction or remodeling, the home must:

(1) Notify the residents of the move date and the resident's options consistent with chapter 70.129 RCW;

(2) Notify the department at least thirty days before the anticipated move, including:

(a) The location to which the residents will be moved;

(b) The home's plans for providing and ensuring care and services during the relocation;

(c) The home's plans for returning residents to the building; and

(d) The projected time frame for completing the construction or remodeling.

(3) Obtain the department's approval of the relocation plans before moving the residents.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10710, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10715 Doors—Ability to open. The adult family home must ensure:

(1) Every bedroom and bathroom door opens from the inside and outside;

(2) Every closet door opens from the inside and outside; and

(3) One door leading to the outside is designated as the primary egress and homes licensed after January 1, 2016 have a lever door handle and hardware that allows residents to exit when the door is locked and reentry without a key, tool, or special knowledge or effort by residents.

(4) Other external exit doors not designated as the primary egress, must open without any special skills or knowledge and they remain accessible to residents unless doing so poses a risk to the health or safety of at least one resident.

(5) All internal and external doors comply with local jurisdictional requirements as well as the building code requirements in chapter 51-51 WAC.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10715, filed 10/4/16, effective 11/4/16; WSR 16-01-171, § 388-76-10715, filed 12/22/15, effective 1/22/16. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10715, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10720 Electronic monitoring equipment—Audio monitoring and video monitoring. (1) Except as provided in this section or in WAC 388-76-10725, the adult family home must not use the following in the home:

(a) Audio monitoring equipment; or

(b) Video monitoring equipment if it includes an audio component.

(2) The home may video monitor and video record activities in the home, without an audio component, only in the following areas:

(a) Entrances and exits if the cameras are:

(i) Focused only on the entrance or exit doorways; and

(ii) Not focused on areas where residents gather.

(b) Outdoor areas not commonly used by residents; and

(c) Designated smoking areas, subject to the following conditions:

(i) Residents are 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 home notifies all residents in writing of the video monitoring equipment.

[Statutory Authority: RCW 70.128.040. WSR 09-03-029, § 388-76-10720, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10720, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10725 Electronic monitoring equipment—Resident requested use. (1) The adult family home must not use audio or video monitoring equipment to monitor any resident unless:

(a) The resident has requested the monitoring; and

(b) The monitoring is only used in the sleeping room of the resident who requested the monitoring.

(2) If the resident requests audio or video monitoring, before any electronic monitoring occurs the home must ensure:

(a) That the electronic monitoring does not violate chapter 9.73 RCW;

(b) The resident has identified a threat to the resident's health, safety or personal property;

(c) The resident's roommate has provided written consent to electronic monitoring, if the resident has a roommate; and

(d) The resident and the home have agreed upon a specific duration for the electronic monitoring documented in writing.

(3) The home 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.

(4) The home 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) Resident becomes unable to give consent.

(5) For the purposes of consenting to video electronic monitoring, without an audio component, the term "resident" includes the resident's decision maker.

(6) For the purposes of consenting to audio electronic monitoring, the term "resident includes only:

(a) The resident residing in the home; 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 audio electronic monitoring of the resident.

(7) If the resident's decision maker consents to audio electronic monitoring as specified in subsection (6) above, the home must maintain a copy of the court order authorizing such consent in the resident's record.

[Statutory Authority: RCW 70.128.040. WSR 09-03-029, § 388-76-10725, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10725, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10730 Grab bars and hand rails. (1) Homes licensed before November 1, 2016 must have at a minimum securely installed:

(a) Grab bars in bathing facilities such as tubs and showers;

(b) Grab bars next to toilets, if needed by any resident;

(c) Handrails on a step or steps if needed by any resident; and

(d) Handrails on ramps if needed by any resident.

(2) Homes licensed and bathroom additions that occur after November 1, 2016 must install grab bars securely fastened in accordance with WAC 51-51-0325 at the following locations:

(a) Bathing facilities such as tubs and showers; and

(b) Each side of any toilet used by residents.

(3) Homes licensed after November 1, 2016 must install handrails on each side of the following:

(a) Step or steps; and

(b) Ramps used by residents.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10730, filed 10/4/16, effective 11/4/16. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10730, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10735 Kitchen facilities. (1) The adult family home must ensure the kitchen facilities include adequate space for:

(a) Food handling;

(b) Preparation; and

(c) Food storage.

(2) The home must keep the kitchen and equipment in a clean and sanitary manner.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10735, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10740 Lighting. The adult family home must provide:

(1) Adequate light fixtures for each task a resident or staff does; and

(2) Emergency lighting, such as working flashlights for staff and residents that are readily accessible.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10740, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10745 Local codes and ordinances. The adult family home must:

(1) Meet all applicable local licensing, zoning, building and housing codes as they pertain to a single family dwelling;

(2) Meet state and local fire safety regulations as they pertain to a single family dwelling; and

(3) Check with local authorities to ensure the home meets all local codes and ordinances.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10745, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10750 Safety and maintenance. The adult family home must:

(1) Keep the home both internally and externally in good repair and condition with a safe, comfortable, sanitary, homelike environment that is free of hazards;

(2) Ensure that there is existing outdoor space that is safe and usable for residents;

(3) Provide clean, functioning, safe, adequate household items and furnishings to meet the needs of each resident;

(4) Provide safe and functioning systems for:

(a) Heating;

(b) Cooling, which may include air circulating fans;

(c) Hot and cold water;
(d) Electricity;
(e) Plumbing;
(f) Garbage disposal;
(g) Sewage;
(h) Cooking;
(i) Laundry;
(j) Artificial and natural light;
(k) Ventilation; and
(l) Any other feature of the home.

(5) Ensure water temperature does not exceed one hundred twenty degrees Fahrenheit at all fixtures used by or accessible to residents, such as:
(a) Tubs;
(b) Showers; and
(c) Sinks.

(6) Provide storage for toxic substances, poisons, and other hazardous materials that is only accessible to residents under direct supervision, unless the resident is assessed for and the negotiated care plan indicates it is safe for the resident to use the materials unsupervised;

(7) Provide rapid access for all staff to any bedroom, toilet room, shower room, closet, other room occupied by each resident;

(8) Keep all firearms locked and accessible only to authorized persons; and

(9) Keep the home free from:
(a) Rodents;
(b) Flies;
(c) Cockroaches, and
(d) Other vermin.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10750, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10750, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10755 Sewage and liquid wastes. The adult family home must ensure sewage and liquid wastes are discharged into:
(1) A public sewer system; or
(2) An independent sewage system approved by the local health authority.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10755, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10760 Site. The adult family home must ensure the home:
(1) Is on a well drained site free from:
(a) Hazardous conditions;
(b) Excessive noise;
(c) Dust; and
(d) Smoke or odors.
(2) Has a road accessible at all times to emergency vehicles.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10760, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10765 Storage. The adult family home must:
(1) Supply each resident with adequate and reasonable storage space for:
(a) Clothing;
(b) Personal possessions; and
(c) Upon request, lockable container or storage space for small items, unless the:
(i) Resident has a private room; and
(ii) The resident room can be locked by the resident.
(2) Provide locked storage for all prescribed and over-the-counter medications as per WAC 388-76-10485.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10765, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10770 Telephones. The adult family home must provide:
(1) At least one working nonpay telephone in the home;
(2) Residents reasonable access to the telephone; and
(3) Privacy for the resident when making or receiving calls.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10770, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10775 Temperature and ventilation. The adult family home must:
(1) Ensure that the maximum and minimum temperature of any room used by a resident is comfortable for the resident and does not compromise the resident's health and safety.
(2) At a minimum, keep room temperature at:
(a) Sixty-eight degrees Fahrenheit or more during waking hours; and
(b) Sixty degrees Fahrenheit or more during sleeping hours.
(3) Provide ventilation in the home to ensure the health and comfort of each resident is met.

[Statutory Authority: RCW 70.128.040. WSR 09-03-029, § 388-76-10775, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10775, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10780 Toilets and bathing facilities. (1) The adult family home must ensure the home has toilets and bathing facilities that provide each resident with privacy and include:
(a) One indoor flush toilet for each five persons including residents and household members in the home; and
(b) Sinks with hot and cold running water.
(2) Homes licensed after July 1, 2007, must ensure each resident has access to a toilet, shower or tub without going through another resident's room.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10780, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10783 Water hazards and bodies of water—Resident safety. The adult family home must protect each resident:
(1) From risks associated with water hazards or bodies of water of any depth at the home; and
(2) When accompanying or escorting the resident at other locations where there are water hazards or bodies of water of any depth.

[Statutory Authority: RCW 70.128.040. WSR 09-03-030, § 388-76-10783, filed 1/12/09, effective 2/12/09.]

WAC 388-76-10784 Water hazards—Fences, gates and alarms. For any adult family home newly licensed after July 1, 2007 or any currently licensed adult family home that adds or modifies a new or existing water hazard after July 1, 2007 must:

(1) Comply with this section and the requirements of the:

(a) International Residential Code (IRC); and

(b) Washington state amendments to the International Residential Code (IRC).

(2) Enclose water hazards over twenty four inches deep with:

(a) Fences and gates at least forty-eight inches high; and

(b) Audible alarms when doors, screens, and gates that directly lead to or surround the water hazard, are opened.

[Statutory Authority: RCW 70.128.040. WSR 09-03-030, § 388-76-10784, filed 1/12/09, effective 2/12/09.]

WAC 388-76-10790 Water supply. The adult family home must:

(1) Obtain local health authority approval to use a private water supply;

(2) Provide a clean and healthy drinking water supply for the home; and

(3) Label any nonpotable water to avoid use as a drinking water source.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10790, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10795 Windows. (1) The adult family home must ensure the sill height of the bedroom window is not more than forty-four inches above the floor.

(2) For homes licensed after July 1, 2007, the department will not approve alternatives to the sill height requirement such as step(s), raised platform(s) or other devices placed by or under the window openings.

(3) The bedroom window must have the following:

(a) A minimum opening area of 5.7 square feet except a grade level floor window openings may have a minimum clear opening of 5.0 square feet;

(b) A minimum opening height of twenty-four inches; and

(c) A minimum opening width of twenty inches.

(4) The home must ensure the bedroom window can be opened from inside the room without keys or tools.

(5) When resident bedroom windows are fitted with storm windows, the home must equip the storm windows with release mechanisms that:

(a) Easily open from the inside; and

(b) Do not require a key or special knowledge or effort to open.

(6) The home must ensure that each basement and each resident bedroom window, that meets the requirements of subsection (1), (2) and (3) of this section, are kept free from obstructions that might block or interfere with access for emergency escape or rescue.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10795, filed 10/16/07, effective 1/1/08.]

FIRE PROTECTION

WAC 388-76-10800 Adult family home located outside of public fire protection. If the adult family home is located in an area without public fire protection, the home must have written verification of adequate fire protection from the fire authority.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10800, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10805 Automatic smoke detectors. The adult family home must ensure approved automatic smoke detectors are:

(1) Installed, at a minimum, in the following locations:

(a) Every bedroom used by a resident;

(b) In proximity to the area where the resident or adult family home staff sleeps; and

(c) On every level of a multilevel home.

(2) Installed in a manner so that the fire warning is heard in all parts of the home upon activation of a single detector; and

(3) Kept in working condition at all times.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10805, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10810 Fire extinguishers. (1) The adult family home must have an approved five pound 2A:10B-C rated fire extinguisher on each floor of the home.

(2) The home must ensure the fire extinguishers are:

(a) Installed according to manufacturer recommendations;

(b) Inspected and serviced annually;

(c) In proper working order; and

(d) Readily available for use at all times.

(3) If required by the local fire authority, the home must provide different fire extinguishers in place of the fire extinguishers required in subsection (1) of this section.

[Statutory Authority: RCW 70.128.040. WSR 08-09-028, § 388-76-10810, filed 4/8/08, effective 5/9/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10810, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10815 Notice required—Compliance with building code and fire protection. Before a resident is admitted, the adult family home must disclose in writing in a language understood by the prospective resident the following:

(1) Whether or not resident bedrooms comply with the current building code including evacuation standards; and

(2) If the home is located outside a public fire district, the source and plan for on-site fire protection.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10815, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10825 Space heaters, fireplaces, and stoves. (1) The adult family home must not use oil, gas, kerosene, or electric space heaters that do not have an underwriters laboratories (UL) rating.

(2) The adult family home must ensure that stoves and heaters do not block resident, staff, or household member escape routes.

(3) The adult family home must ensure that fireplaces and stoves have a stable barrier that prevents accidental resident contact. The adult family home is not required to have a barrier if the fireplace and stove surfaces are not hot to the touch when in use.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10825, filed 10/4/16, effective 11/4/16. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10825, filed 10/16/07, effective 1/1/08.]

DISASTER AND EMERGENCY PREPAREDNESS

WAC 388-76-10830 Emergency and disaster plan—Required. The adult family home must have written emergency and disaster plan and procedures to meet the needs of each resident during emergencies and disasters.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10830, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10835 Elements of an emergency and disaster plan. The adult family home must ensure the emergency and disaster plan includes:

(1) Plans for responding to natural and man-made emergencies and disasters that may reasonably occur at the home;

(2) Actions to be taken by staff and residents when an emergency or disaster strikes; and

(3) The fire drill plan for evacuation of the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10835, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10840 Emergency food supply. The adult family home must have an on-site emergency food supply that can be stored with other food in the home and that:

(1) Will last for a minimum of seventy-two hours for each resident and each household member;

(2) Meets the dietary needs of each resident, including any specific dietary restrictions any resident may have; and

(3) Is sufficient, safe, sanitary, and uncontaminated.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10840, filed 1/15/10, effective 2/15/10; WSR 09-03-029, § 388-76-10840, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10840, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10845 Emergency drinking water supply. The adult family home must have an on-site emergency supply of drinking water that:

(1) Will last for a minimum of seventy-two hours for the home's licensed capacity, every household member, and caregiving staff;

(2) Is at least three gallons for the home's licensed capacity, every household member, and caregiving staff;

(3) Is stored in well-sealed food grade or glass containers;

(4) Is chlorinated or commercially bottled;

(5) Is replaced every six months, unless it is sealed and commercially bottled; and

(6) Is stored in a cool, dry location away from direct sunlight.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10845, filed 10/4/16, effective 11/4/16. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10845, filed 1/15/10, effective 2/15/10; WSR 09-03-029, § 388-76-10845, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10845, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10850 Emergency medical supplies. The adult family home must have emergency medical supplies that include:

(1) First-aid supplies; and

(2) A first-aid manual.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10850, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10855 Emergency and disaster plan training—Required. The adult family home must ensure all staff are trained on the emergency and disaster plan and procedures when they begin work in the home and all staff and residents review the emergency and disaster plan and procedures at least annually.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10855, filed 10/16/07, effective 1/1/08.]

FIRE DRILL PLAN FOR EMERGENCY EVACUATION

WAC 388-76-10860 Fire drill plan and procedures for emergency evacuation—Required. The adult family home must:

(1) Have an emergency evacuation plan, including a fire drill plan and procedures for evacuating all residents from the adult family home; and

(2) Not admit or keep residents who cannot safely be evacuated.

[Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10860, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10860, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10865 Resident evacuation from adult family home. (1) The adult family home must be able to evacuate all residents from the home to a safe location outside the home in five minutes or less.

(2) The home must ensure that residents who require assistance are able to evacuate the home as follows:

(a) Through the primary egress door;

(b) Via a path from the resident's bedroom that does not go through other bedrooms; and

(c) Without the resident having to use any of the following:

(i) Stairs;

(ii) Elevators;

(iii) Chairlift; or

(iv) Platform lift.

(3) Ramps for residents to enter, exit, or evacuate on homes licensed after November 1, 2016 must comply with WAC 51-51-0325.

(4) Homes that serve residents who are not able to hear the fire alarm warning must install visual fire alarms.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10865, filed 10/4/16, effective 11/4/16. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10865, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10870 Resident evacuation capability levels—Identification required. The adult family home must ensure that each resident's assessment identifies, and each resident's preliminary care plan and negotiated care plan describes the resident's ability to evacuate the home according to the following descriptions:

(1) Independent: Resident is physically and mentally capable of safely getting out of the home without the assistance of another individual or the use of mobility aids. The department will consider a resident independent if capable of getting out of the home after one verbal cue;

(2) Assistance required: Resident is not physically or mentally capable of getting out of the house without assistance from another individual or mobility aids.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10870, filed 1/15/10, effective 2/15/10; WSR 09-03-029, § 388-76-10870, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10870, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10885 Elements of emergency evacuation floor plan. The adult family home must ensure the emergency evacuation floor plan has:

(1) An accurate floor plan of the home, including rooms, hallways, exits (such as doorways and windows) to the outside of the home;

(2) Emergency evacuation routes showing the paths to take to exit the home; and

(3) The location for the residents to meet outside the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10885, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10890 Posting the emergency evacuation floor plan—Required. The adult family home must display an emergency evacuation floor plan on each floor of the home in:

(1) A visible location in the home; and

(2) Common areas normally used by residents, staff and visitors.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10890, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10895 Emergency evacuation drills—Frequency and participation. The adult family home must ensure:

(1) Emergency evacuation drills occur during random staffing shifts at least every two months; and

(2) All residents take part in together and at the same time at least one emergency evacuation drill each calendar year that includes full evacuation from the home to a safe location.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10895, filed 10/4/16, effective 11/4/16. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10895, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10900 Documentation of emergency evacuation drills—Required. The adult family home must document in writing the emergency evacuation drills which must include:

(1) Names of each resident and staff involved in the drill;

(2) Name of the person conducting the drill;

(3) Date and time of the drill; and

(4) The length of time it took to evacuate all residents.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10900, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10905 Emergency evacuation—Notification of department required. The adult family home must immediately call the department's complaint toll free complaint telephone number of:

(1) Any fire; or

(2) Emergency evacuation from the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10905, filed 10/16/07, effective 1/1/08.]

INSPECTIONS—COMPLAINT INVESTIGATIONS—MONITORING VISITS

WAC 388-76-10910 Inspections—Complaint investigations—Monitoring visits—General. The department must conduct unannounced inspections, complaint investigations and monitoring visits to determine if the adult family home is in compliance with chapters 70.128, 70.129 and 74.34 RCW, this chapter and other applicable laws and regulations.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10910, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10911 Inspections—Multiple adult family home providers. (1) In the event of serious noncompliance leading to the imposition of one or more actions listed in RCW 70.128.160(2) on a home operated by a provider with multiple adult family homes, all other homes operated by the provider must be inspected to determine if the same or related deficiencies are present in those homes.

(2) The department may issue fines under RCW 70.128.065(5) of up to three hundred dollars for each inspection when one or more actions listed in RCW 70.128.160(2) is imposed on a multiple home provider and inspections of the other homes are required to determine whether the same or related deficiencies are present in those homes.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10911, filed 12/7/11, effective 1/7/12.]

WAC 388-76-10915 Department staff access—Willful interference prohibited. The adult family home must ensure:

(1) Department staff have access to:

(a) The home, residents, including former residents;

(b) Resident records, includes former residents records;

(c) Facility staff and relevant staff records; and

(d) Financial records of the business if good cause to believe that a financial obligation related to resident care or services will not be met.

(2) The home and staff do not willfully interfere or fail to cooperate with department staff in the performance of official duties.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10915, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10915, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10920 Inspection and investigation reports—Provided by department. The department will mail or hand deliver the department's report to the adult family home:

(1) Within ten working days of completion of the inspection process; or

(2) Within ten calendar days of completion of the inspection if the home does not have a deficiency.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10920, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10920, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10925 Disclosure of inspection and complaint investigation reports. (1) The department will make copies available to the public, subject to applicable public disclosure and confidentiality requirements, of:

(a) Inspection and complaint investigation reports as soon as they are completed; and

(b) Any final written decision by the department to take an enforcement action.

(2) Upon request, the department will provide the public with copies of the home's plan of correction if a copy is available at the time of the request.

[Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10925, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 70.128.-040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10925, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10930 Plan of correction (POC)—Required. (1) The adult family home must comply with all applicable licensing laws and regulations at all times.

(2) When the department finds the adult family home 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 adult family home must complete an attestation of correction for any inspection report as the department requires.

(4) For the 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 show 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: RCW 70.128.040. WSR 09-03-029, § 388-76-10930, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10930, filed 10/16/07, effective 1/1/08.]

RESIDENT ADVOCATE ACCESS

WAC 388-76-10935 Washington protection and advocacy—Long-term care ombudsman—Official duties—Penalty for interference. The adult family home must not willfully interfere with a representative of the following in the performance of official duties:

(1) Washington protection and advocacy system as defined under RCW 71A.10.080; or

(2) Long-term care ombuds as defined under chapter 43.190 RCW, the state regulations for the long-term care ombudsman and under federal law.

(3) The department must impose a civil penalty as per WAC 388-76-10975 for any such willful interference with a representative of the long-term care ombuds program.

[Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10935, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 70.128.-040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10935, filed 10/16/07, effective 1/1/08.]

REMEDIES

WAC 388-76-10940 Remedies—Generally. The department may take one or more of the following actions in any case which the department finds that an adult family home failed or refused to comply with the applicable requirements of chapters 70.128, 70.129, or 74.34 RCW or this chapter:

(1) Denial of an application for a license;

(2) Impose reasonable conditions on a license;

(3) Impose civil penalties;

(4) Order stop placement; and/or

(5) Suspension or revocation of a license.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10940, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10945 Remedies—Imposition of remedies. The department must impose a remedy or remedies listed in WAC 388-76-10940 when violations of chapter 70.128, 70.129 and 74.34 RCW and this chapter are:

(1) Repeated;

(2) Uncorrected;

(3) Pervasive; or

(4) Present a threat to the health, safety, or welfare of one or more residents.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10945, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10945, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10950 Remedies—History and actions by individuals. The department will consider the history and actions of the following individual or combination of individuals when imposing remedies:

(1) Applicant;

(2) Provider;

(3) Entity representative;

(4) Person affiliated with the applicant;

(5) Resident manager;

(6) A partner, officer, director or managerial employee of the entity;

(7) Spouse of the provider or entity representative;

(8) An owner:

(a) Of fifty-one percent or more of the entity;

(b) Who exercises control over the daily operations of the home.

(9) A caregiver; or

(10) Any person who:

(a) Has unsupervised access to residents in the home; and

(b) Lives in the home but who is not a resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10950, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10955 Remedies—Department must impose remedies. (1) The department must impose a remedy or remedies if the department substantiates a complaint involving harm to a resident and violation of an applicable law or rule.

(2) The department must impose a remedy or remedies if the department substantiates, after licensure, that it has been less than twenty years since the adult family home voluntarily surrendered or relinquished an adult family home license in lieu of department initiated denial, suspension, nonrenewal, or revocation of a license.

(3) The department must impose a remedy or remedies if the department finds any person listed in WAC 388-76-10950:

(a) A court has issued a permanent restraining order or order of protection either active or expired, against the individual 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 individual, unless the finding was made by child protective services prior to October 1, 1998;

(e) The individual 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

(f) The individual 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 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10955, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10955, filed 7/31/12, effective 8/31/12; WSR 10-03-064, § 388-76-10955, filed 1/15/10, effective 2/15/10; WSR 09-03-028, § 388-76-10955, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10955, filed 10/16/07, effective 1/1/08.]

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

(1) Has been convicted of:

(a) Any felony that the department determines is reasonably related to the competency of the person to be involved in the ownership or operation of an adult family home; or

(b) A crime involving a firearm used in the commission of a felony or in any act of violence against a person.

(2) Has engaged in the illegal use, sale or distribution of drugs or excessive use of alcohol or drugs without the evidence of rehabilitation;

(3) Has committed an act of domestic violence toward a family or household member;

(4) Has been found in any final decision of a federal or state agency to have abandoned, neglected, abused, or financially exploited a vulnerable adult, unless such decision requires imposition of a remedy under WAC 388-76-10955;

(5) Has had a license for the care of children or vulnerable adults denied, suspended, revoked, or not renewed;

(6) Has a history of violations of chapter 70.128 RCW, or any law regulating residential care facilities, that resulted in revocation, suspension, or nonrenewal of a license with the department;

(7) Has been enjoined from operating a facility for the care and services of children or adults;

(8) Has had a medicaid or medicare provider agreement or any other contract for the care and treatment of children or vulnerable adults, terminated, cancelled, suspended, or not renewed by any public agency, including a state medicaid agency;

(9) Has been the subject of a sanction, corrective, or remedial action taken by federal, state, county, or municipal officials or safety officials related to the care or treatment of children or vulnerable adults;

(10) Has obtained or attempted to obtain a license by fraudulent means or misrepresentation;

(11) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a license or any data attached to the application, or in any matter involving the department;

(12) Permitted, aided, or abetted the commission of any illegal act on the adult family home premises;

(13) Willfully prevented, interfered with, or failed to cooperate with any inspection, investigation, or monitoring visit made by the department, including refusal to permit authorized department representatives to interview residents or have access to their records;

(14) Failed or refused to comply with:

(a) A condition or limit imposed on a license or a stop placement order; or

(b) The requirements of chapters 70.128, 70.129, 74.34 RCW, this chapter or any other applicable laws.

(15) Misappropriated property of a resident, unless such action requires a remedy under WAC 388-76-10955;

(16) Exceeded licensed capacity in the operation of an adult family home;

(17) Operated a facility for the care of children or adults without a license or with a revoked license;

(18) In connection with the operation of any facility for the care of children or adults, relinquished or returned a license, or did not seek license renewal following written notification that the licensing agency intends to deny, sus-

pend, cancel or revoke the license, unless such action requires imposition of a remedy under WAC 388-76-10955;

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

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

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

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

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

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

WAC 388-76-10965 Remedies—Specific—Denial of application for license. The department decision to deny an application for a license is specified in:

(1) WAC 388-76-10115;

(2) WAC 388-76-10120;

(3) WAC 388-76-10125; and

(4) WAC 388-76-10940.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10965, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10970 Remedies—Specific—Condition(s) on license. (1) The department may impose reasonable conditions or limits on a new or current license.

(2) Conditions or limits the department may impose on a license include, but are not limited to, the following:

(a) Correction of deficiencies within a specified time;

(b) Training related to the deficiencies;

(c) Limits on the type of residents the adult family home may admit or serve;

(d) Discharge of any resident when the department finds discharge is needed to meet that resident's needs or for the protection of other residents;

(e) Change in license capacity;

(f) Removal of the adult family home's designation as a specialized home;

(g) Prohibition of access to residents by a specified person; and

(h) Demonstration of ability to meet financial obligations necessary to continue operation.

[Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10970, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10970, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10975 Remedies—Specific—Civil penalties. (1) The department may impose civil penalties of at least one hundred dollars per day per violation:

(a) Fines up to one thousand dollars can be issued under RCW 70.128.150 for willful interference with a representative of the long-term care ombuds; and

(b) Fines up to three thousand dollars can 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's general office, or a law enforcement agency; and

(c) Fines up to ten thousand dollars may be issued under RCW 70.128.065(2) for a current or former licensed provider who is operating an unlicensed home.

(2) When the adult family home 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.

(3) Civil monetary penalties are due twenty-eight days after the adult family home or the owner or operator of an unlicensed adult family home is served with notice of the penalty unless the adult family home 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 ten days after a final decision in the department's favor is issued. Thirty days after the department serves the adult family home with notice of the penalty, interest begins to accrue at a rate of one percent per month as authorized by RCW 43.20B.695.

[Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10975, filed 1/12/15, effective 2/12/15; WSR 12-01-004, § 388-76-10975, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10975, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10975, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10976 Remedies—Civil fine grid. The department will consider the guidance in the tiered sanction grid below when imposing civil fine remedies:

NO HARM	MINIMAL or MODERATE HARM		SERIOUS HARM		IMMINENT DANGER and/or IMMEDIATE THREAT
Repeat / Uncorrected	Initial	Repeat / Uncorrected	Initial	Repeat / Uncorrected	Any Violation
Civil fine of at least $100 per violation	Civil fine up to $500 per violation or a daily civil fine of at least $250 per day	Civil fine up to $1,000 per violation or a daily civil fine of at least $500 per day	Civil fine up to $2,000 per violation or a daily civil fine of at least $1,000 per day	Civil fine up to $3,000 per violation or a daily civil fine of at least $1,500 per day	Civil fine of $3,000 or daily civil fine of at least $1,000 per day

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10976, filed 12/7/11, effective 1/7/12.]

WAC 388-76-10980 Remedies—Specific—Stop placement—Admissions prohibited. (1) The department may order stop placement and prohibit the admission of residents if the home does not meet the requirements of chapters 70.128, 70.129, 74.32 RCW or this chapter.

(2) Once imposed, the adult family home must not admit any person until the stop placement order is terminated.

(3) If the home requests, the department may approve readmission of a resident to the home from a hospital or nursing home during the stop placement.

(4) The department must end the stop placement only after the department finds the:

(a) Deficiencies necessitating the stop placement have been corrected; and

(b) Home can show it has the capacity to maintain adequate care and service.

[Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10980, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10980, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10985 Remedies—May extend to multiple homes. (1) If a licensed provider also operates an unlicensed adult family home, the department may impose a remedy or remedies listed in WAC 388-76-10940 on the licensed adult family home or homes.

(2) If violations in an adult family home are of such nature as to present a serious risk or harm to residents of other homes operated by the same provider, the department may impose remedies on those other homes.

[Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10985, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10985, filed 10/16/07, effective 1/1/08.]

INFORMAL DISPUTE RESOLUTION, NOTICE AND APPEALS

WAC 388-76-10990 Informal dispute resolution (IDR). (1) When an adult family home disagrees with the department's finding of a violation under this chapter, the adult family home has the right to have the violation reviewed by the department under the department's dispute resolution process.

(2) The purpose of the review is to give the adult family home an opportunity to present information that might warrant modification or deletion of a finding of a violation.

(3) The adult family home may submit a written statement for review.

(4) In addition to a written statement, the adult family home may ask to present the information in person to a department designee.

(5) Requests for review must be made in writing to the department at the address provided in the department's certified notice within ten working days of receipt of the written finding of a violation.

(6) Orders of the department imposing license suspension, stop placement, or conditions on a license are effective immediately upon notice and shall continue pending dispute resolution.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10990, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10990, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10995 Notice, hearing rights, and effective dates relating to imposition of remedies. (1) Chapter 34.05 RCW applies to department actions under this chapter and chapter 70.128 RCW, except that orders of the department imposing license suspension, stop placement, or conditions on license are effective immediately upon notice and must continue pending a final administrative decision.

(2) An adult family home contesting the imposition of any remedy by the department must within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt to the agency at the mailing address contained in the department's notice imposing the remedy; and

(b) Include in or with the application:

(i) The reasons for contesting the department decision; and

(ii) A copy of the contested department decision.

(3) Administrative proceedings are governed by chapter 34.05 RCW, RCW 43.20A.215, where applicable, this section, and chapter 388-02 WAC. If any provision in this chapter conflicts with chapter 388-02 WAC, the provision in this chapter applies.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10995, filed 1/15/10, effective 2/15/10; WSR 09-03-029, § 388-76-10995, filed

1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10995, filed 10/16/07, effective 1/1/08.]

MANAGEMENT AGREEMENTS

WAC 388-76-11050 Management agreements—General. As used in WAC 388-76-11050 through 388-76-11070, the term "manager" means the individual or entity providing management services under a management agreement. It does not mean a resident manager.

(1) If the adult family home uses a manager, the adult family home must have a written management agreement approved by the department that is consistent with chapter 388-76 WAC requirements.

(2) The adult family home must notify the department of its use of a manager when:

(a) Entering into a management agreement following initial application;

(b) Changing managers; or

(c) Modifying an existing management agreement.

(3) An applicant must notify the department of its use of a manager when:

(a) Applying for an adult family home license; or

(b) Entering into a management agreement prior to licensure.

(4) The adult family home must submit the written management agreement, including an organizational chart which shows the relationship between the adult family home, management company, and all related entities, including management staff.

(5) The written management agreement must be submitted:

(a) With the initial license, change of ownership, or change of location applications; and

(b) Sixty days prior to the proposed change of ownership date or the effective date of the management agreement.

(6) The adult family home must submit any amendment to an existing management agreement to the department thirty days before the amendment takes effect.

(7) The adult family home must notify current residents and their representatives sixty days before entering into a management agreement.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11050, filed 1/15/10, effective 2/15/10.]

WAC 388-76-11055 Management agreements—Adult family home. (1) The adult family home is responsible for:

(a) The daily operations and provision of care and services to residents;

(b) Compliance with all applicable laws and rules;

(c) Ensuring the manager complies with the department approved management agreement; and

(d) Ensuring the manager does not represent itself as, or give the appearance that it is the provider.

(2) The adult family home must not give the manager responsibilities that are so extensive the adult family home is relieved of responsibility for the daily operations and provision of care and services to residents. If the adult family home relinquishes responsibility for daily operation and provision of care and services to residents, the department will determine that a change of ownership has occurred.

(3) The adult family home and manager must act in accordance with the terms of the department approved management agreement. If the department determines they are not, then the department may take licensing action.

(4) The adult family home may enter into a management agreement only if the management agreement creates a principal/agent relationship between the adult family home and manager.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11055, filed 1/15/10, effective 2/15/10.]

WAC 388-76-11060 Terms of the management agreement. Management agreements, at a minimum must:

(1) Describe the responsibilities of the adult family home and manager, including items, services, and activities to be provided;

(2) Maintain and retain all records in accordance with this chapter;

(3) Allow the department unlimited access to documentation and records according to applicable laws or regulations;

(4) Require the manager to immediately send copies of inspections and notices of noncompliance to the adult family home;

(5) Require the adult family home's governing body, board of directors or similar authority to appoint the entity representative;

(6) Require the adult family home to participate in monthly oversight meetings and at minimum, quarterly onsite visits to the home;

(7) State that the adult family home is responsible for reviewing, acknowledging and signing all initial, change of ownership, and change of location license applications;

(8) State that the adult family home and manager will review the management agreement annually and notify the department of change according to applicable regulations;

(9) Acknowledge that the adult family home is the party ultimately responsible for complying with all applicable laws and rules;

(10) Require the adult family home to oversee and maintain ultimate responsibility for:

(a) All personnel issues relating to the operation of the home;

(b) The care, services, and safety of all residents; and

(c) Staffing plans, staff, volunteer and student orientation and training;

(11) State the manager will not represent itself or give the appearance it is the provider;

(12) State that a duly authorized manager may execute resident leases or agreements on behalf of the adult family home, however all such resident leases or agreements must be between the adult family home and the resident or the resident's representative.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11060, filed 1/15/10, effective 2/15/10.]

WAC 388-76-11065 Management agreements—Department review. (1) Upon receipt of a proposed management agreement, the department may require:

(a) The adult family home to provide additional information or clarification;

(b) Changes necessary to:

(i) Bring the management agreement into compliance with this chapter; and

(ii) Ensure that the adult family home has continued to have ultimate responsibility for the daily operations of the home.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11065, filed 1/15/10, effective 2/15/10.]

WAC 388-76-11070 Management agreements—Resident funds. (1) If the management agreement delegates day-to-day management of resident personal funds to the manager, the adult family home must:

(a) Retain all fiduciary and custodial responsibility for funds that have been deposited with the adult family home by the resident;

(b) Remain directly accountable to the residents and resident representatives for such funds; and

(c) Ensure any party responsible for holding or managing resident's personal funds:

(i) Is bonded or obtains insurance in sufficient amounts to specifically cover losses of resident funds;

(ii) Provides proof of bond or insurance; and

(iii) Provides proof of payment of the bond or insurance premium.

(2) If responsibilities for the day-to-day management of the resident funds are delegated to the manager, the manager must:

(a) Give the adult family home a monthly accounting of the residents' funds;

(b) Meet all legal requirements related to holding, and accounting for, resident funds; and

(c) Comply with all requirements under this chapter relating to residents rights and financial affairs.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11070, filed 1/15/10, effective 2/15/10.]

NOTICE

WAC 388-76-11080 Notice—Service complete. Service of the department notices is complete when:

(1) Personal service is made;

(2) The notice is addressed to the home or the individual 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: RCW 70.128.040. WSR 10-03-064, § 388-76-11080, filed 1/15/10, effective 2/15/10.]

WAC 388-76-11085 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 adult family home or to the individual to whom the 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: RCW 70.128.040. WSR 10-03-064, § 388-76-11085, filed 1/15/10, effective 2/15/10.]