

WAC 388-97-4500 Severity and scope of deficiencies. (1) "**Severity of a deficiency**" means the seriousness of the deficiency. Factors the department will consider when determining the severity of a deficiency may include, but are not limited to:

(a) Whether harm to the resident has occurred, or could occur, including but not limited to a violation of resident's rights;

(b) The Impact of the actual or potential harm on the resident; and

(c) The degree to which the nursing home failed to meet the resident's highest practicable physical, mental, and psychosocial well-being as defined in WAC 388-97-0001.

(2) **Severity levels**

(a) Severity level 4—Imminent harm or immediate jeopardy

Level 4 means that a resident(s)' health or safety is imminently threatened or immediately jeopardized as a result of deficient nursing home practice. This level includes actual harm or potential harm, or both, to resident(s)' health or safety that has had or could have a severe negative outcome or critical impact on resident's well-being, including death or severe injury. Severity Level 4 requires immediate corrective action to protect the health and safety of resident(s).

(b) Severity level 3—Actual harm

Level 3 means that actual harm has occurred to resident(s) as the result of deficient nursing home practice.

(i) "**Serious harm**" is harm that results in a negative outcome that significantly compromises the resident(s)' ability to maintain and/or reach the highest practicable physical, mental and psychosocial well-being. Serious harm does not constitute imminent danger/immediate jeopardy (Severity Level 4).

(ii) "**Moderate harm**" is harm that results in a negative outcome that more than slightly but less than significantly compromises the resident(s)' ability to maintain and/or reach the highest practicable physical, mental and psychosocial well-being.

(iii) "**Minimal harm**" is harm that results in a negative outcome that to a small degree compromises the resident(s)' ability to maintain and/or reach the highest practicable physical, mental well-being.

(c) Severity level 2—Potential for harm

Level 2, "**potential for harm**" means that if the deficient nursing home practice is not corrected, resident(s) may suffer actual harm.

(d) Severity level 1—No harm or minimal impact

Level 1 means a deficient nursing home practice that does not compromise the resident(s)' ability to maintain or reach, or both, the highest practicable physical, mental and psychosocial well-being. Deficiencies at level 1 are those that have no direct or potential for no more than minimal impact on the resident. Examples include certain structure deficiencies, certain physical environment deficiencies and process deficiencies.

(3) "**Scope of a deficiency**" means the frequency, incidence, or extent of the occurrence of the deficiency.

(4) **Scope categories**

(a) "**Isolated or limited scope**" means a relatively few number of residents have been affected or have the potential to be affected, by the deficient nursing home practice.

(b) **"Moderate or pattern scope"** scope means more than an isolated and less than a widespread number of residents have been affected, or have the potential to be affected by the deficient nursing home practice.

(c) **"Widespread"** or **"systemic scope"** means most or all of the residents are affected or have the potential to be affected, by the deficient nursing home practice.

(5) Determination of scope will be made by the department in its sole discretion. Factors the department will consider may include:

(a) Size of the nursing home;

(b) Size of the sample;

(c) Number and location of affected residents;

(d) Whether the deficiency applies to all or a subset of the residents;

(e) Other factors relevant to the particular circumstances.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. WSR 08-20-062, § 388-97-4500, filed 9/24/08, effective 11/1/08.]