

WAC 388-110-260 Remedies. (1) The department may take one or more of the actions listed in subsection (3)(a) of this section in any case in which the department finds that a contractor of assisted living services, enhanced adult residential care services, enhanced residential care-specialized dementia care services, or adult residential care services has:

(a) Failed or refused to comply with the applicable requirements of chapter 74.39A RCW, of chapter 70.129 RCW, chapter 388-78A WAC or of this chapter;

(b) Operated without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a contract or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2)(a) For failure or refusal to comply with any applicable requirements of chapter 74.39A RCW, of chapter 70.129 RCW, chapter 388-78A WAC or of this chapter, the department may provide consultation before imposing remedies under subsection (3)(a) unless the violations pose a serious risk to residents, are recurring or have been uncorrected.

(b) When violations of this chapter pose a serious risk to a resident, are recurring or have been uncorrected, the department must impose a remedy or remedies listed under subsection (3)(a). In determining which remedy or remedies to impose, the department must take into account the severity of the impact of the violations on residents and which remedy or remedies are likely to improve resident outcomes and satisfaction in a timely manner.

(3)(a) Actions and remedies the department is authorized to impose include:

(i) Refusal to enter into a contract;

(ii) Imposition of reasonable conditions on a contract, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(iii) Imposition of civil penalties of not more than one hundred dollars per day per violation;

(iv) Suspension, termination, or refusal to renew a contract; or

(v) Order stop placement of persons under the contract.

(b) When the department orders stop placement, the assisted living facility must not admit any person under the contract until the stop placement order is terminated. The department may approve readmission of a resident to the assisted living facility from a hospital or nursing home during the stop placement. The department must terminate the stop placement when the department determines that:

(i) The violations necessitating the stop placement have been corrected; and

(ii) The provider exhibits the capacity to maintain adequate care and service.

(c) Conditions the department may impose on a contract include, but are not limited to the following:

(i) Correction within a specified time;

(ii) Training related to the violations; and

(iii) Discharge of any resident when the department determines discharge is needed to meet that resident's needs or for the protection of other residents.

(d) When a contractor fails to pay a fine when due under this chapter, the department may, in addition to other remedies, withhold an amount equal to the fine plus interest, if any, from the contract payment.

[Statutory Authority: Chapter 18.20 RCW. WSR 14-07-021, § 388-110-260, filed 3/7/14, effective 4/7/14. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, and chapter 74.39A RCW. WSR 04-16-063, § 388-110-260, filed 7/30/04, effective 9/1/04. Statutory Authority: RCW 74.39A.010, 74.39A.020 and 74.39A.080. WSR 96-21-050, § 388-110-260, filed 10/11/96, effective 11/11/96. Statutory Authority: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240 and 70.129.040. WSR 96-11-045 (Order 3979), § 388-110-260, filed 5/8/96, effective 6/8/96.]