

WAC 246-358-028 Enforcement. Any violation of this section will be cause for the department of health to proceed with legal action, to assess a civil fine, or modify, suspend, or revoke the license.

(1) An operator shall comply with all applicable laws and regulations.

(2) When the department of health finds an operator out of compliance with any applicable law or regulation, the department of health will send the operator a notice of correction according to RCW 43.05.100 with an attestation of correction form. For purposes of this section, a "notice of correction" will include:

(a) A description of the condition that is not in compliance and the text of the specific section or subsection of the applicable law or rule;

(b) A brief statement of what is required to achieve compliance;

(c) The date by which the department of health requires compliance be achieved;

(d) Notice of the means to contact any technical assistance services provided by the department of health or other sources of technical assistance; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department of health.

(3) For purposes of this section, an "attestation of correction form" means a form developed by the department of health and completed, signed, and dated by the operator stating that the operator:

(a) Has or will correct each cited deficiency; and

(b) Will maintain correction of each cited deficiency.

(4) On each attestation of correction form, the operator shall give a date, approved by the department of health, showing when and how the cited deficiency has been or will be corrected.

(5) The operator shall sign and return the completed attestation of correction form to the department of health on or before the date required by the department of health.

(6) Upon request of the department of health the operator shall show proof that for each deficiency cited the operator has corrected or is correcting each deficiency.

(7) If the operator fails to correct the deficiencies by the required date, the department of health may proceed with legal action to assess a civil fine and to modify, suspend, or revoke the license.

(8) An operator may contest a department of health decision or action according to the provisions of RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

(9) The operator shall fully cooperate with the department of health in, and shall in no way impede, its administration and enforcement of all applicable laws and regulations.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-028, filed 6/15/15, effective 7/16/15.]