

WAC 388-97-4220 Reasons for denial, suspension, modification, revocation of, or refusal to renew a nursing home license. (1) The department may deny, suspend, modify, revoke, or refuse to renew a nursing home license when the department finds the proposed or current licensee, or any partner, officer, director, managing employee, owner of five percent or more of the proposed or current licensee of the nursing home, owner of five percent or more of the assets of the nursing home, proposed or current administrator, or employee or individual providing nursing home care or services has:

- (a) Failed or refused to comply with the:
 - (i) Requirements established by chapters 18.51, 74.42, or 74.46 RCW and by regulations adopted under these chapters; or
 - (ii) Medicaid requirements of Title XIX of the Social Security Act and Medicaid regulations, including 42 C.F.R., Part 483.
- (b) A history of significant noncompliance with federal or state regulations in providing nursing home care;
- (c) No credit history or a poor credit history;
- (d) Engaged in the illegal use of drugs or the excessive use of alcohol, unless automatically disqualifying under chapter 388-113 WAC;
- (e) Unlawfully operated a nursing home, or long term care facility as defined in RCW 70.129.010, without a license or under a revoked or suspended license;
- (f) Previously held a license to operate a hospital or any facility for the care of children or vulnerable adults, and that license has been revoked, or suspended, or the licensee did not seek renewal of the license following written notification of the licensing agency's initiation of revocation or suspension of the license;
- (g) Obtained or attempted to obtain a license by fraudulent means or misrepresentation;
- (h) Permitted, aided, or abetted the commission of any illegal act on the nursing home premises;
- (i) Has a conviction or pending charge for a crime that is not automatically disqualifying under chapter 388-113 WAC, if the conviction or pending charge reasonably relates to the competency of the individual to own or operate a nursing home;
- (j) Had 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;
- (k) Failed to:
 - (i) Provide any authorization, documentation, or information the department requires in order to verify information contained in the application;
 - (ii) Meet financial obligations as the obligations fall due in the normal course of business;
 - (iii) Verify additional information the department determines relevant to the application;
 - (iv) Report abandonment, abuse, neglect or financial exploitation in violation of chapter 74.34 RCW; or in the case of a skilled nursing facility or nursing facilities, failure to report as required by 42 C.F.R. 483.13; or
 - (v) Pay a civil fine the department assesses under this chapter within ten days after assessment becomes final.
- (l) Been certified pursuant to RCW 74.20A.320 as a person who is not in compliance with a child support order (license suspension only);

(m) Knowingly or with reason to know makes a false statement of a material fact in the application for a license or license renewal, in attached data, or in matters under department investigation;

(n) Refused to allow department representatives or agents to inspect required books, records, and files or portions of the nursing home premises;

(o) Willfully prevented, interfered with, or attempted to impede the work of authorized department representatives in the:

(i) Lawful enforcement of provisions under this chapter or chapters 18.51 or 74.42 RCW; or

(ii) Preservation of evidence of violations of provisions under this chapter or chapters 18.51 or 74.42 RCW.

(p) Retaliated against a resident or employee initiating or participating in proceedings specified under RCW 18.51.220; or

(q) Discriminated against medicaid recipients as prohibited under RCW 74.42.055.

(2) In determining whether there is a history of significant non-compliance with federal or state regulations under subsection (1)(b), the department may, at a minimum, consider:

(a) Whether the violation resulted in a significant harm or a serious and immediate threat to the health, safety, or welfare of any resident;

(b) Whether the proposed or current licensee promptly investigated the circumstances surrounding any violation and took steps to correct and prevent a recurrence of a violation;

(c) The history of surveys and complaint investigation findings and any resulting enforcement actions;

(d) Repeated failure to comply with regulations;

(e) Inability to attain compliance with cited deficiencies within a reasonable period of time; and

(f) The number of violations relative to the number of facilities the proposed or current licensee, or any partner, officer, director, managing employee, employee or individual providing nursing home care or services has been affiliated within the past ten years, or owner of five percent or more of the proposed or current licensee or of the assets of the nursing home.

(3) The department must deny, suspend, revoke, or refuse to renew a proposed or current licensee's nursing home license if the proposed or current licensee or any partner, officer, director, managing employee, owner of five percent or more of the proposed or current licensee of the nursing home or owner of five percent or more of the assets of the nursing home, proposed or current administrator, or employee or individual providing nursing home care or services has:

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

(b) One or more of the disqualifying negative actions listed under WAC 388-97-1820.

[Statutory Authority: RCW 74.39A.056 and chapters 74.42, 18.51 RCW. WSR 14-14-027, § 388-97-4220, filed 6/24/14, effective 7/25/14. Statutory Authority: Chapters 18.51 and 74.42 RCW. WSR 10-02-021, § 388-97-4220, filed 12/29/09, effective 1/29/10. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. WSR 08-20-062, § 388-97-4220, filed 9/24/08, effective 11/1/08.]