

**WAC 388-103-0120 What additional rules apply to administrative hearings regarding initial substantiated findings of abuse, neglect, or misappropriation of resident property, where the alleged perpetrator is an individual used by a nursing facility or skilled nursing facility to provide services to residents of that facility?** (1) This section applies to the administrative hearing when an initial substantiated finding of abuse, neglect, or misappropriation of resident property is made against an individual used by a nursing facility or skilled nursing facility to provide services to residents of that facility.

(2) The hearing and the hearing record must be completed within one hundred and twenty days from the day the office of administrative hearings received the request for a hearing under WAC 388-103-0100.

(a) If the administrative law judge (ALJ) finds that extenuating circumstances exist that will make it impossible to render a decision within one hundred and twenty days, then the ALJ may extend the limit by a maximum of sixty days.

(b) The individual must be available for the hearing and other preliminary matters.

(c) If the individual is a nursing assistant, and if the hearing and hearing record cannot be completed within the time limit because of the unavailability of the nursing assistant, then, after the time limit has expired, the nursing assistant's name will be placed on the vulnerable adult abuse registry pending the outcome of the hearing.

(3) The hearing must be held at a reasonable place and time convenient for the individual.

(4) A final substantiated finding of neglect, where neglect is defined under WAC 388-103-0002, may not be made if the individual demonstrates the neglect was caused by factors beyond the control of the individual.

[Statutory Authority: RCW 74.34.068, 74.34.165; 42 U.S.C. Sec. 1396r (g)(1)(D), 42 U.S.C. Sec. 1395i3 (g)(1)(D). WSR 21-11-108, § 388-103-0120, filed 5/19/21, effective 7/1/21.]