

RCW 18.20.190 Department response to noncompliance or violations. (1) The department of social and health services is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that an assisted living facility provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated an assisted living facility 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 license 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) When authorized by subsection (1) of this section, the department may take one or more of the following actions, using a tiered sanction grid that considers the extent of harm from the deficiency and the regularity of the occurrence of the deficiency when imposing civil fines:

(a) Refuse to issue a license;

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

(c) Impose civil penalties of at least one hundred dollars per day per violation. Until July 1, 2019, the civil penalties may not exceed one thousand dollars per day per violation. Beginning July 1, 2019, through June 30, 2020, the civil penalties may not exceed two thousand dollars per day per violation. Beginning July 1, 2020, the civil penalties may not exceed three thousand dollars per day per violation;

(d) Impose civil penalties of up to ten thousand dollars for a current or former licensed provider who is operating an unlicensed facility;

(e) Suspend, revoke, or refuse to renew a license;

(f) Suspend admissions to the assisted living facility by imposing stop placement; or

(g) Suspend admission of a specific category or categories of residents as related to the violation by imposing a limited stop placement.

(3) When the department orders stop placement or a limited stop placement, the facility shall not admit any new resident until the stop placement or limited stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement or limited stop placement. The department shall terminate the stop placement or limited stop placement when: (a) The violations necessitating the stop placement or limited stop placement have been corrected; and (b) the provider exhibits the capacity to maintain correction of the violations previously found deficient. However, if upon the revisit the department finds new violations that the department reasonably believes will result in a new stop placement or new limited stop placement, the previous stop placement or limited stop placement shall remain in effect until the new stop placement or new limited stop placement is imposed.

(4) After a department finding of a violation for which a stop placement or limited stop placement has been imposed, the department

shall make an on-site revisit of the provider within fifteen working days from the request for revisit, to ensure correction of the violation. For violations that are serious or recurring or uncorrected following a previous citation, and create actual or threatened harm to one or more residents' well-being, including violations of residents' rights, the department shall make an on-site revisit as soon as appropriate to ensure correction of the violation. Verification of correction of all other violations may be made by either a department on-site revisit or by written or photographic documentation found by the department to be credible. This subsection does not prevent the department from enforcing license suspensions or revocations. Nothing in this subsection shall interfere with or diminish the department's authority and duty to ensure that the provider adequately cares for residents, including to make departmental on-site revisits as needed to ensure that the provider protects residents, and to enforce compliance with this chapter.

(5) RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification. Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing license suspension, stop placement, limited stop placement, or conditions for continuation of a license are effective immediately upon notice and shall continue pending any hearing.

(6) All receipts from civil penalties imposed under this chapter must be deposited in the assisted living facility temporary management account created in RCW 18.20.430.

(7) For the purposes of this section, "limited stop placement" means the ability to suspend admission of a specific category or categories of residents. [2018 c 173 § 4; 2012 c 10 § 13; 2003 c 231 § 6; 2001 c 193 § 4; 2000 c 47 § 7; 1998 c 272 § 15; 1995 1st sp.s. c 18 § 18.]

Findings—2018 c 173: See note following RCW 18.20.500.

Application—2012 c 10: See note following RCW 18.20.010.

Findings—Effective date—2003 c 231: See notes following RCW 18.20.020.

Effective date—2000 c 47: See note following RCW 18.20.020.

Findings—Severability—Effective date—1998 c 272: See notes following RCW 18.20.230.

Conflict with federal requirements—Severability—Effective date—1995 1st sp.s. c 18: See notes following RCW 74.39A.030.