

**WAC 388-837-9040 What rights are available to a resident regarding a proposed transfer from an RHC to the community, per RCW 71A.20.080?** (1) A resident, or the resident's authorized representative has a right to a hearing regarding the proposed transfer from an RHC to the community, per RCW 71A.20.080 and under chapter 34.05 RCW and chapter 388-02 WAC. DSHS must send a hearing request form with the notice of transfer.

(2) If the resident requests a hearing within the thirty-day time period, DSHS may not transfer the resident until a hearing decision is reached or appeal rights have been exhausted unless the transfer is warranted by the resident's health or safety needs or the welfare of the other residents.

(3) If the secretary or the secretary's designee concludes that the transfer is not appropriate, no further action is to be taken to transfer unless there is a change in the situation or circumstances surrounding the transfer request. If there is a change in the situation or circumstances, the request may be resubmitted.

(4) If the secretary or the secretary's designee affirms the decision to transfer the resident and no petition for judicial review is filed within thirty days, DSHS may proceed with the planned action.

(5) If the secretary or secretary's designee affirms the decision to transfer the resident and a petition for judicial review has been filed, any proposed transfer must be delayed until the appeal process is complete unless a delay jeopardizes the resident's health or safety or the welfare of other residents, or as otherwise provided in RCW 71A.20.080.

[Statutory Authority: Chapter 71A.20 RCW, RCW 71A.12.080, 71A.20.140, 2003 1st sp.s. c 25 § 205. WSR 04-16-018, § 388-837-9040, filed 7/23/04, effective 8/23/04.]