Chapter 388-76 WAC
ADULT FAMILY HOME MINIMUM LICENSING REQUIREMENTS

Last Update: 8/5/26

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-76-010 Authority. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-010, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-010, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-020 Adult family homes. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-020, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-020, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-030 Definitions. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-030, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 70.128.040. WSR 91-09-016 (Order 3131), § 388-76-030, filed 4/9/91, effective 5/10/91. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-030, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-030, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-040 Application or renewal for license. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-040, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 70.128.040. WSR 91-09-016 (Order 3131), § 388-76-040, filed 4/9/91, effective 5/10/91. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-040, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-040, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-045 Unlicensed facilities. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-045, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-045, filed 1/16/90, effective 2/16/90.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-050 Licensing of state employees. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-050, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-050, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-060 Limitations on licenses. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-060, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-060, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-070 General qualifications of provider, staff persons, and other persons on the premises. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-070, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-070, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-070, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-080 Multiple facility ownership. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-080, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 74.08.044. WSR 89-05-033 (Order 2761), § 388-76-080, filed 2/13/89.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-085 General standards. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-085, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-085, filed 1/16/90, effective 2/16/90.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-087 Inspections. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-087, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 70.128.040. WSR 91-09-016 (Order 3131), § 388-76-087, filed 4/9/91, effective 5/10/91. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-087, filed 1/16/90, effective 2/16/90.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-090 Licensure—Denial, suspension, or revocation. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-090, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-090, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-090, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-095 License action notice—Adjudicative proceeding. [Statutory Authority: RCW 74.08.044. WSR 90-24-029 (Order 3107), § 388-76-095, filed 11/30/90, effective 1/1/91. Statutory Author-

ity: RCW 34.05.220 (1)(a) and 74.08.044. WSR 90-04-071 (Order 3003), § 388-76-095, filed 2/5/90, effective 3/1/90.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-100 License fees. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-100, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-100, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-100, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-10045 Licensing—Certain state employees and employee household members—Prohibited. [Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10045, filed 10/16/07, effective 1/1/08.] Repealed by WSR 26-17-004, filed 8/5/26, effective 9/20/26. Statutory Authority: RCW 70.128.040, 70.128.065, and 45 C.F.R. § 1324.11 (e)(2).

388-76-10060 Application—Department orientation class—Required. [Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10060, filed 2/6/20, effective 3/8/20. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10060, filed 10/16/07, effective 1/1/08.] Repealed by WSR 23-24-010, filed 11/27/23, effective 1/1/24. Statutory Authority: RCW 70.128.040.

388-76-10155 Unsupervised access to vulnerable adults—Prohibited. [Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10155, filed 10/16/07, effective 1/1/08.] Repealed by WSR 10-16-082, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW.

388-76-10162 Background check—National fingerprint checks—Who is required to have. [Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10162, filed 7/30/10, effective 1/1/11.] Repealed by WSR 12-16-087, filed 7/31/12, effective 8/31/12. Statutory Authority: RCW 70.128.040.

388-76-10173 Disclosure of employee information—Employer immunity—Rebuttable presumption. [Statutory Authority: RCW 70.128.040. WSR 09-03-030, § 388-76-10173, filed 1/12/09, effective 2/12/09.] Repealed by WSR 10-16-082, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW.

388-76-10185 Employment—Certain criminal history—Permitted. [Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10185, filed 10/16/07, effective 1/1/08.] Repealed by WSR 10-04-008, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040.

388-76-10190 Adult family home—Compliance with regulations—Required. [Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10190, filed 10/16/07, effective 1/1/08.] Repealed by WSR 10-03-064, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040.

388-76-10193 Liability insurance required—Professional liability insurance coverage. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10193, filed 1/15/10, effective 2/15/10.] Repealed by WSR 23-12-075, filed 6/6/23, effective 8/1/23. Statutory Authority: RCW 70.128.040 and 70.128.066.

388-76-10520 Resident rights—General notice. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10520, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10520, filed 10/16/07, effective 1/1/08.] Repealed by WSR 21-11-074, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and 70.128.060.

388-76-10555 Resident rights—Financial affairs. [Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10555, filed 10/16/07, effective 1/1/08.] Repealed by WSR 21-11-074, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and 70.128.060.

388-76-10565 Resident rights—Adult family home system for management of resident financial affairs. [Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10565, filed 10/16/07, effective 1/1/08.] Repealed by WSR 21-11-074, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and 70.128.060.

388-76-10785 Water hazards—Enclosures and safety devices. [Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10785, filed 10/16/07, effective 1/1/08.] Repealed by WSR 09-03-030, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040.

388-76-10820 Resident evacuation capabilities and location of resident bedrooms. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10820, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10820, filed 10/16/07, effective 1/1/08.] Repealed by WSR 16-20-095, filed 10/4/16, effective 11/4/16. Statutory Authority: Chapter 70.128 RCW.

388-76-10835 Elements of an emergency and disaster plan. [Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10835, filed 10/16/07, effective 1/1/08.] Repealed by WSR 21-11-074, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and 70.128.060.

388-76-10880 Emergency evacuation adult family home bedrooms. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10880, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10880, filed 10/16/07, effective 1/1/08.] Repealed by WSR 16-20-095, filed 10/4/16, effective 11/4/16. Statutory Authority: Chapter 70.128 RCW.

388-76-110 Discrimination prohibited. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-110, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-110, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-110, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Author-

ity: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-11000 Resident protection program—Investigation of reports. [Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-11000, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-11004 Resident protection program—Individual defined. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11004, filed 1/15/10, effective 2/15/10.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-11005 Resident protection program—Notice to individual of preliminary finding. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11005, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-11005, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-11010 Resident protection program—Notice to others of preliminary finding. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11010, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-11010, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-11015 Resident protection program—Disputing a preliminary finding. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11015, filed 1/15/10, effective 2/15/10; WSR 09-03-030, § 388-76-11015, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-11015, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-11020 Resident protection program—Hearing procedures to dispute preliminary finding. [Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-11020, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-11025 Resident protection program—Finalizing a preliminary finding. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11025, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-11025, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-11030 Resident protection program—Appeal of the initial order or finding. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11030, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-11030, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-11035 Resident protection program—Reporting final findings. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11035, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-11035, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-11040 Resident protection program—Disclosure of investigative and finding information. [Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11040, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-11040, filed 2/15/08, effective 3/17/08.] Repealed by WSR 16-06-004, filed 2/17/16, effective 4/1/16. Statutory Authority: Chapter 70.128 RCW.

388-76-130 Persons subject to licensing. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-130, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-130, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-130, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-140 Persons not subject to licensing. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-140, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-140, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-155 Exceptions. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-155, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-155, filed 1/16/90, effective 2/16/90.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-160 Capacity. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-160, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-160, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-160, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-170 Providers' or resident managers' outside employment. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-170, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-170, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 89-05-033 (Order 2761), § 388-76-170, filed 2/13/89; WSR 86-01-079 (Order 2319), § 388-76-170, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-180 Provider or resident manager absence from home. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-180, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-180, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-180, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-185 Placement of residents outside home. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-185, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-185, filed 1/16/90, effective 2/16/90.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-190 Effect of local ordinances. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-190, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-190, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-200 Fire safety. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-200, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-200, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-200, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-220 Corporal punishment and physical and chemical restraints. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-220, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-220, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-220, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-240 Resident's records and information. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-240, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-240, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-240, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-250 Reporting of illness, death, injury, epidemic, or adult abuse. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-250, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-250, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-250, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-260 Reporting change in circumstances. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-260, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-260, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-260, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-280 Provider or resident manager-provided transportation for residents. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-280, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-280, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-280, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-290 Clothing. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-290, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 74.08.044. WSR 90-24-028 (Order 3106), § 388-76-290, filed 11/30/90, effective 1/1/91. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-290, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-290, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-300 Personal hygiene. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-300, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-300, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-300, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-310 Training. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-310, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-310, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-310, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-320 Site. [Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-320, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective

7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-325 Telephone. [Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-325, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-330 Safety and maintenance. [Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-330, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-340 Water safety. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-340, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-340, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-340, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-350 Firearms. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-350, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-350, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-350, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-360 Storage. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-360, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-360, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-360, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-370 Bedrooms. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-370, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-370, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-370, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-380 Kitchen facilities. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-380, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-380, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-390 Laundry. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-390, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-390, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-390, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-400 Toilets, lavatories, and bathing facilities. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-400, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-400, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-405 Common use areas. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-405, filed 10/1/92, effective 11/1/92.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-410 Lighting. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-410, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-410, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-410, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-420 Pest control. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-420, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-420, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-420, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-430 Sewage and liquid wastes. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-430, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-430, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-430, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-435 Pets. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-435, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-435, filed 1/16/90, effective 2/16/90.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-440 Water supply. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-440, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-440, filed 1/16/90, effective 2/16/90. Statutory Author-

ity: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-440, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-450 Temperature. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-450, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-450, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-460 Ventilation. [Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-460, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-460, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-465 Resident rights. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-465, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-465, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-465, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-467 Advance directives. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-467, filed 10/1/92, effective 11/1/92.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-470 Health care plan. [Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-470, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-475 Service plan. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-475, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-475, filed 1/16/90, effective 2/16/90.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-480 First aid. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-480, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-480, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-480, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-490 Medication services. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-490, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-490, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-490, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-500 Self-administration of medications. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-500, filed 10/1/92, effective 11/1/92. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-500, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-520 Infection control, communicable disease. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-520, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-520, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-520, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-530 Food services. [Statutory Authority: Chapter 70.128 RCW. WSR 92-20-050 (Order 3466), § 388-76-530, filed 10/1/92, effective 11/1/92. Statutory Authority: 1989 c 427. WSR 90-03-051 (Order 2934), § 388-76-530, filed 1/16/90, effective 2/16/90. Statutory Authority: RCW 74.08.044. WSR 86-01-079 (Order 2319), § 388-76-530, filed 12/18/85.] Repealed by WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230.

388-76-535 Authority. [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-15-081, § 388-76-535, filed 7/15/02, effective 8/15/02. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-535, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-540 Definitions. [Statutory Authority: RCW 70.128.040. WSR 05-17-158, § 388-76-540, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 74.08.090, 74.09.520, and 74.39A.090. WSR 02-21-098, § 388-76-540, filed 10/21/02, effective 11/21/02. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-540, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-540, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-545 License required. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-545, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-550 License application. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-550, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-550, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-555 License fees. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-555, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-560 License eligibility. [Statutory Authority: RCW 70.128.040. WSR 05-17-158, § 388-76-560, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-560, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-560, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-565 Resident manager and live-in requirements. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-565, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-570 Additional license requirements—Multiple facility providers. [Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. WSR 02-15-065, § 388-76-570, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-570, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-570, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-575 Licensing of state employees. [Statutory Authority: RCW 70.128.040. WSR 05-17-158, § 388-76-575, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-575, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-580 License capacity. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-580, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-585 Change of provider or provider address. [Statutory Authority: RCW 70.128.040. WSR 05-17-158, § 388-76-585, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-585, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-590 Specialty adult family homes. [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-590, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-590, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-59000 What authority does the department have to adopt rules related to specialty homes? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59000, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-59010 What types of specialty adult family home designations are there? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59010, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-59020 What definitions apply to specialty adult family home designations? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59020, filed 5/29/98, effective 7/1/98.] Repealed by WSR 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.

388-76-59050 What is required in order to obtain the specialty designation? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59050, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-59060 Are adult family home providers required to obtain more than one specialty designation if an individual resident has more than one specialty need? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59060, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-59070 Are adult family home providers required to obtain more than one specialty designation if they serve two or more residents with different specialty needs? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59070, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-59080 When will providers be required to become specialty adult family homes in order to serve persons with mental illness or dementia? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59080, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-59090 When will providers be required to become specialty adult family homes in order to serve persons with developmental disabilities? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59090, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-59100 Does completion of this training substitute for any other required trainings? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59100, filed 5/29/98, effective 7/1/98.] Repealed by WSR 02-15-065, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233.

388-76-59110 For the dementia and mental health specialties can providers take a test instead of attending the training? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59110, filed 5/29/98, effective 7/1/98.] Repealed by WSR 02-15-065, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233.

388-76-59120 Are there any different training requirements for adult family homes providing services to persons with developmental disabilities? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-59120, filed 5/29/98, effective 7/1/98.] Repealed by WSR 02-15-065, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233.

388-76-595 Inspections and ombudsman visits. [Statutory Authority: RCW 70.128.040. WSR 05-17-158, § 388-76-595, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-595, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-595, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-600 General resident rights. [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-600, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-600, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-60000 What are resident rights? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-60000, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-60010 Why do providers need to know resident rights? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-60010, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-60020 Is the provider required to supply information to potential residents and current residents, or the resident's representative? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-60020, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-60030 When must this information be supplied? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-60030, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-60040 Must the information be updated and supplied again in advance of changes? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-60040, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-60050 What information is the provider required to supply to potential residents and current residents? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-60050, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-60060 Do residents have rights that are not listed here? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-60060, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-60070 What are some of the other resident rights that must be considered? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-60070, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-605 Restraints. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-605, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-605, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-610 Resident assessment. [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-610, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-610, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61000 Is an assessment needed before a person can be admitted to an adult family home? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61000, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61010 Under what circumstances can a provider admit or continue services for a person? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61010, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61020 What must be included in the resident assessment? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61020, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61030 How does the preliminary service plan fit within the resident assessment? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61030, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61040 Is the use of an approved form required for the assessment? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61040, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61050 Who can do the assessment? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61050, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61060 In emergency situations, can a provider admit a resident without an assessment? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61060, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61070 Does the assessment have to be updated? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61070, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61080 Who is qualified to update the assessment? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61080, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-615 Negotiated care plan. [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-615, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-615, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61500 What is a negotiated care plan? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61500, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61510 When must the negotiated care plan be developed? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-15-081, § 388-76-61510, filed 7/15/02, effective 8/15/02. Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61510, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61520 How does the negotiated care plan fit in with the assessment and preliminary service plan? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61520, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61530 Who must be involved in the development of the negotiated care plan? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61530, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61540 Who must sign the negotiated care plan? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61540, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61550 How often must the negotiated care plan be reviewed and revised? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61550, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61560 When does the department's case manager get a copy of the negotiated care plan? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61560, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-61570 How are payment rate changes authorized for residents receiving services paid for fully or partially by the department? [Statutory Authority: RCW 70.128.040, 70.128.060, chapter 70.129 RCW and 1998 c 272. WSR 98-12-054, § 388-76-61570, filed 5/29/98, effective 7/1/98.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-620 Provision of services and care. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-620, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-620, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-625 Nurse delegation—Training and registration. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-625, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-630 Performance of delegated nursing care tasks. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-630, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-635 Nurse delegation—Penalties. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-635, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-635, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-640 Resident medications. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-640, filed 6/19/96, effective 7/20/96.] Repealed by WSR 02-20-005, filed 9/18/02, effective 10/19/02. Statutory Authority: RCW 70.128.040, 69.41.085.

388-76-64005 Definitions. [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64005, filed 9/18/02, effective 10/19/02.] Repealed by WSR 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.

388-76-64010 What are the rules the provider must follow in all situations involving resident medications? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64010, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64015 What defines the type of help a resident may need when taking their medication? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64015, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64020 What must the provider include in the negotiated care plan for residents who are independent with self-administration? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64020, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64025 How do a resident and provider initiate self-administration with assistance? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64025, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64030 What must the provider monitor when implementing self-administration with assistance? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64030, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64035 What other situations must the provider monitor when self-administration with assistance occurs for a resident? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64035, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64040 What must the provider do when there is a need to alter medications during self-administration with assistance? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64040, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64045 What other types of assistance can a nonpractitioner provide? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64045, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64050 Who can fill medication organizers and what is required? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64050, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-64055 What documentation is the provider required to include in the resident's daily medication log? [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-20-005, § 388-76-64055,

filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-645 Resident activities. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-645, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-650 Food services. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-650, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-655 General management and administration. [Statutory Authority: RCW 70.128.040. WSR 05-17-158, § 388-76-655, filed 8/22/05, effective 9/22/05; WSR 03-14-018, § 388-76-655, filed 6/19/03, effective 7/20/03. Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. WSR 02-15-065, § 388-76-655, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-655, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-655, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-660 Training. [Statutory Authority: RCW 18.20.090, 70.128.040, 74.39A.050, 34.05.020, 2000 c 121, and 2002 c 233. WSR 02-15-065, § 388-76-660, filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-660, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-660, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-665 Resident records. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-665, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-665, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-670 Disaster and emergency preparedness. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-670, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-670, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-675 Reporting requirements. [Statutory Authority: RCW 74.34.165, 74.34.020, and 74.34.035. WSR 04-01-032, § 388-76-675, filed 12/8/03, effective 1/8/04. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-675, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-675, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-680 Infection control and communicable disease. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-680, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-680, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-685 Criminal history disclosure and background inquiries. [Statutory Authority: RCW 70.128.040. WSR 05-17-158, § 388-76-685, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-685, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-685, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-690 Advance directives, guardianship, and decision making. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-690, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-690, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-695 Protection of resident funds—Liquidation or transfer. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-695, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-695, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-700 Resident relocation due to closure. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-700, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-705 Remedies. [Statutory Authority: RCW 70.128.040, chapters 70.128 and 70.129 RCW. WSR 98-11-095, § 388-76-705, filed 5/20/98, effective 7/1/98. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-705, filed 6/19/96, effective 7/20/96.] Repealed by WSR

07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-710 Notice, hearing rights, and effective dates relating to imposition of remedies. [Statutory Authority: RCW 70.128.040, 69.41.085. WSR 02-15-081, § 388-76-710, filed 7/15/02, effective 8/15/02. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-710, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-715 Dispute resolution. [Statutory Authority: RCW 70.128.040. WSR 05-17-158, § 388-76-715, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-715, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-720 Common use areas. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-720, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-725 Bedrooms. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-725, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-730 Toilets and bathing facilities. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-730, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-735 Kitchen facilities. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-735, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-740 Telephones. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-740, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-745 Storage. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-745, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-750 Laundry. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-750, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-755 Local ordinances. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-755, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-760 Site. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-760, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-765 Fire safety. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-765, filed 6/19/96, effective 7/20/96.] Repealed by WSR 02-20-004, filed 9/18/02, effective 10/19/02. Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140.

388-76-76505 What physical structure requirements must the provider ensure that the home meets? [Statutory Authority: RCW 70.128.040 and chapter 70.128 RCW. WSR 05-07-137, § 388-76-76505, filed 3/22/05, effective 4/22/05. Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140. WSR 02-20-004, § 388-76-76505, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-76510 What are the resident emergency evacuation requirements that providers must address? [Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140. WSR 02-20-004, § 388-76-76510, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-76515 What fire safety and emergency requirements must the provider have in the home? [Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140. WSR 02-20-004, § 388-76-76515, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-76520 What is required of the provider for emergency evacuation drills? [Statutory Authority: RCW 70.128.040, 70.128.130, and 70.128.140. WSR 02-20-004, § 388-76-76520, filed 9/18/02, effective 10/19/02.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-770 Safety and maintenance. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-770, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-775 Pets. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-775, filed

6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-780 Lighting. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-780, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-785 Temperature and ventilation. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-785, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-790 Water supply. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-790, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-795 Sewage and liquid wastes. [Statutory Authority: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210 and 18.88A.230. WSR 96-14-003 (Order 3984), § 388-76-795, filed 6/19/96, effective 7/20/96.] Repealed by WSR 07-21-080, filed 10/16/07, effective 1/1/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW.

388-76-9970 Purpose. [Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). WSR 97-18-089, § 388-76-9970, filed 9/3/97, effective 9/4/97.] Repealed by WSR 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.

388-76-9972 Definitions. [Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). WSR 97-18-089, § 388-76-9972, filed 9/3/97, effective 9/4/97.] Repealed by WSR 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.

388-76-9974 Effective date of the moratorium. [Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). WSR 97-18-089, § 388-76-9974, filed 9/3/97, effective 9/4/97.] Repealed by WSR 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.

388-76-9976 Process for requesting an individual accommodation. [Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). WSR 97-18-089, § 388-76-9976, filed 9/3/97, effective 9/4/97.] Repealed by WSR 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.

388-76-9978 Applications that will be processed during the moratorium. [Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). WSR 97-18-089, § 388-76-9978, filed 9/3/97, effective 9/4/97.] Repealed by WSR 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.

388-76-9980 Notification of the end of the moratorium. [Statutory Authority: 1997 c 392 §§ 402, 403 and 532 (E2SHB 1850). WSR 97-18-089, § 388-76-9980, filed 9/3/97, effective 9/4/97.] Repealed by WSR 05-17-158, filed 8/22/05, effective 9/22/05. Statutory Authority: RCW 70.128.040.

DEFINITIONS

WAC 388-76-10000 Definitions. "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment of a vulnerable adult.

(1) In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish.

(2) Abuse includes sexual abuse, mental abuse, physical abuse, and personal exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult which have the following meanings:

(a) **"Sexual abuse"** means any form of nonconsensual sexual conduct, including but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not consensual.

(b) **"Physical abuse"** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding.

(c) **"Mental abuse"** means a willful verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing.

(d) **"Personal exploitation"** means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(e) **"Improper use of restraint"** means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that:

(i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW;

(ii) Is not medically authorized; or

(iii) Otherwise constitutes abuse under this section.

"Adult family home" or **"AFH"** means:

(1) A residential home in which a person or an entity is licensed to provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood, adoption, or marriage to a provider, entity representative, resident manager, or caregiver, who resides in the home. An adult family home may be licensed to provide care to up to eight adults if the home receives approval under WAC 388-76-10031 or 388-76-10032.

(2) As used in this chapter, the term "entity" includes corporations, partnerships, and limited liability companies, and the term "adult family home" includes the person or entity that is licensed to operate an adult family home.

"Affiliated with an applicant" means any person listed on the application as a partner, officer, director, resident manager, entity representative, or majority owner of the applying entity, or is the spouse or domestic partner of the applicant.

"Affiliated entity" means any entity owned, controlled, or managed by the applicant or licensed provider, or associated with a parent or subsidiary entity applying for, or holding, an adult family home license.

"Applicant" means:

(1) An individual, partnership, corporation, or other entity seeking a license to operate an adult family home; and

(2) For the following sections only, also includes an entity representative solely for the purposes of fulfilling requirements on behalf of the entity:

(a) WAC 388-76-10020(1);
(b) WAC 388-76-10035(1);
(c) WAC 388-76-10064;
(d) WAC 388-76-10120;
(e) WAC 388-76-10125;
(f) WAC 388-76-10129;
(g) WAC 388-76-10130;
(h) WAC 388-76-10146(4);
(i) WAC 388-76-10265;
(j) WAC 388-76-10500; and

(k) WAC 388-76-10505.

"Capacity" means the maximum number of persons receiving personal or special care who are permitted in an adult family home at a given time. Capacity includes:

(1) The total capacity, which is the number of residents and any children or adults related to the provider who receive personal or special care and services in the home; and

(2) The licensed capacity, which is the number of residents the adult family home may admit and retain (resident capacity), which is the number listed on the license.

"Caregiver" means any person 18 years of age or older responsible for providing direct personal or special care to a resident and who is not the provider, entity representative, a student, or volunteer.

"Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has a temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

"Consent" means express written consent granted after the vulnerable adult or their legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

"Dementia" means a condition documented through the assessment process required by WAC 388-76-10335.

"Department" means the Washington state department of social and health services.

"Department case manager" means the department authorized staff person or designee assigned to negotiate, monitor, and facilitate a care and services plan for residents receiving services paid for by the department.

"Developmental disability" means the same as defined under WAC 388-823-0015.

"Direct supervision" means oversight by a person who has demonstrated competency in the basic training and specialty training if required, or who has been exempted from the basic training requirements and is:

(1) On the premises; and

(2) Quickly and easily available to the caregiver.

"Domestic partners" means two adults who meet the requirements for a valid state registered domestic partnership as established by RCW 26.60.030 and who have been issued a certificate of state registered domestic partnership.

"Entity representative" means the individual designated by an entity provider or entity applicant as its representative for the purposes of fulfilling the training and qualification requirements under this chapter that only an individual can fulfill where an entity cannot. The entity representative is responsible for overseeing the operation of the home. The entity representative does not hold the license on behalf of the entity.

"Essential Support Person" means an individual who is:

(1) At least 18 years of age;

(2) Designated by the resident, or by the resident's representative, if the resident is determined to be incapacitated or otherwise legally incapacitated; and

(3) Necessary for the resident's emotional, mental, or physical well-being during situations that include, but are not limited to:

(a) Circumstances involving compassionate care or end-of-life care;

(b) Circumstances where visitation from a familiar person will assist with important continuity of care or the reduction of confusion and anxiety for residents with cognitive impairments; or

(c) Other circumstances where the presence of an essential support person will prevent or reduce significant emotional distress to the resident.

"Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. Some examples of financial exploitation are given in RCW 74.34.020(7).

"Financial solvency" means that the applicant or provider has sufficient funds to operate the home. An applicant or provider is considered financially solvent when they have no delinquent debt. At the department's discretion, the department may consider an applicant or provider financially solvent if their only delinquent debt is for medical reasons.

"Home" means adult family home.

"Household member" means a person who uses the address of the adult family home as their primary address and who is not a resident.

"Imminent danger" or **"immediate threat"** means serious physical harm to, or death of a resident has occurred, or there is a serious threat to the resident's life, health, or safety.

"Indirect supervision" means oversight by a person who is quickly and easily available to the caregiver, but not necessarily on-site and:

(1) Has demonstrated competency in the basic and specialty training, if required; or

(2) Is exempt from basic training requirements.

"Inspection" means a review by department personnel to determine the health, safety, and well-being of residents, and the adult family home's compliance with this chapter and chapters 70.128, 70.129, 74.34 RCW, and other applicable rules and regulations. The department's review may include an on-site visit.

"Management agreement" means a written, executed agreement between the adult family home and another individual or entity regarding the provision of certain services on behalf of the adult family home.

"Mandated reporter" means an employee of the department or the department of children, youth, and families; law enforcement officer; social worker; professional school personnel; individual provider; an operator of a facility or a certified residential services and supports agency under chapter 71A.12 RCW, an employee of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, hospice; or certified residential services and supports agency, county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW. For the purpose of the definition of a mandated reporter, **"Facility"** means a residence licensed or required to be licensed under chapter 18.20 RCW (assisted living facilities), chapter 18.51 RCW (nursing homes), chapter 70.128 RCW (adult family homes), chapter 72.36 RCW (soldiers' homes), chapter 71A.20 RCW (residential habilitation centers), or any other facility licensed by the department.

"Mechanical restraint" means any device attached or adjacent to the vulnerable adult's body that they cannot easily remove and restricts freedom of movement or normal access to the vulnerable adult's body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are:

(a) Medically authorized, as required; and

(b) Used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

"Medical device" as used in this chapter, means any piece of medical equipment used to treat a resident's assessed need.

(1) A medical device is not always a restraint and should not be used as a restraint;

(2) Some medical devices have considerable safety risks associated with use; and

(3) Examples of medical devices with known safety risks when used are transfer poles, Posey or lap belts, and side rails.

"Medication administration" means giving resident medications by a person legally authorized to do so, such as a physician, pharmacist, or nurse.

"Medication organizer" means a container with separate compartments for storing oral medications organized in daily doses.

"Mental illness" is defined as an axis I or II diagnosed mental illness as outlined in volume IV of the Diagnostic and Statistical Manual of Mental Disorders (a copy is available for review through the home and community living administration).

"Minimal" means violations that result in little or no negative outcome or little or no potential harm for a resident.

"Moderate" means violations that result in negative outcome and actual or potential harm for a resident.

"Multiple home provider" means a provider who is licensed to operate more than one adult family home.

"Neglect" means:

(1) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or

(2) An act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to, conduct prohibited under RCW 9A.42.100.

"Nurse delegation" means a registered nurse transfers the performance of selected nursing tasks to competent nursing assistants, home care aides, or qualified long-term care workers in selected situations. The registered nurse delegating the task retains the responsibility and accountability for the nursing care of the resident.

"Over-the-counter medication" means any medication that can be purchased without a prescriptive order, including but not limited to, vitamin, mineral, or herbal preparations.

"Permanent restraining order" means a restraining order or order of protection issued either following a hearing, or by stipulation of the parties. A "permanent restraining order" order may be in force for a specific time period (for example, one year), after which it expires.

"Personal care services" means both physical assistance and prompting and supervising the performance of direct personal care tasks as determined by the resident's needs and does not include assistance with tasks performed by a licensed health professional.

"Physical restraint" means application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include briefly holding without undue force a vulnerable adult in order to calm or comfort them, or holding a vulnerable adult's hand to safely escort them from one area to another.

"Placement agency" means an "elder or vulnerable adult referral agency" as defined in chapter 18.330 RCW and means a business or person who receives a fee from or on behalf of a vulnerable adult seeking a referral to care services or supportive housing or who receives a fee from a care services provider or supportive housing provider because of any referral provided to or on behalf of a vulnerable adult.

"Practitioner" means a physician, osteopathic physician, podiatric physician, pharmacist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, dentist, and physician assistant licensed in the state of Washington.

"Prescribed medication" means any medication (legend drug, controlled substance, and over-the-counter) that is prescribed by an authorized practitioner.

"Provider" means:

(1) Any individual who is licensed to operate an adult family home and meets the requirements of this chapter;

(2) Any corporation, partnership, limited liability company, or other entity that is licensed under this chapter to operate an adult family home and meets the requirements of this chapter; and

(3) For the following sections only, also includes an entity representative solely for the purposes of fulfilling requirements on behalf of the entity:

(a) WAC 388-76-10020(1);
(b) WAC 388-76-10035(1);
(c) WAC 388-76-10064;
(d) WAC 388-76-10120;
(e) WAC 388-76-10125;
(f) WAC 388-76-10129;
(g) WAC 388-76-10130;
(h) WAC 388-76-10146(4);
(i) WAC 388-76-10265;
(j) WAC 388-76-10500; and
(k) WAC 388-76-10505.

"Psychopharmacologic medications" means the class of prescription medications, which includes but is not limited to, antipsychotics, antianxiety medications, and antidepressants, capable of affecting the mind, emotions, and behavior.

"Recurring" or **"repeated"** means that the department has cited the adult family home for a violation of applicable licensing laws or rules and the circumstances of (1) or (2) of this definition are present and if the previous violation in subsection (1) or (2) of this definition was pursuant to a law or rule that has changed at the time of the new violation, a citation to the equivalent current rule or law is sufficient:

(1) The department previously imposed an enforcement remedy for a violation of the same section of law or rule for substantially the

same problem following any type of inspection within the preceding 36 months.

(2) The department previously cited a violation under the same section of law or rule for substantially the same problem following any type of inspection on two occasions within the preceding 36 months.

"Resident" means any adult living in the adult family home and who is unrelated to the provider and who receives personal or special care from the adult family home. Except as specified elsewhere in this chapter, for decision-making purposes, the term "resident" includes the resident's surrogate decision maker acting under state law.

"Resident manager" means a person employed or designated by the provider to manage the adult family home and who meets the requirements of this chapter.

"Resident representative" means:

(1) A court-appointed guardian or conservator of a resident, if any;

(2) An individual otherwise authorized by state or federal law to act on behalf of the resident in order to support the resident in decision making; access medical, social, or other personal information of the resident; manage financial matters; or receive notifications including, but not limited to:

(a) Agents under power of attorney;

(b) Representative payees; and

(c) Other fiduciaries; or

(3) If there is no individual who meets the criteria under sections (1) or (2) of this subsection, an individual chosen by the resident to act on behalf of the resident in order to support the resident in decision making; access medical, social, or other personal information of the resident; manage financial matters; or receive notifications.

(4) The term "resident representative" does not include any individual described in section (1) of this subsection who is affiliated with the adult family home where the resident resides, or its licensee or management company, unless the affiliated individual is a family member of the resident.

"Serious" means violations that either result in one or more negative outcomes and significant actual harm to residents that does not constitute imminent danger, or there is a reasonable predictability of recurring actions, practices, situations, or incidents with potential for causing significant harm to a resident, or both.

"Severity" means the seriousness of a violation as determined by actual or potential negative outcomes for residents and subsequent actual or potential for harm. Outcomes include any negative effect on the resident's physical, mental, or psychosocial well-being (such as safety, quality of life, quality of care).

"Significant change" means:

(1) A lasting change, decline, or improvement in the resident's baseline physical, mental, or psychosocial status;

(2) The change is significant enough so either the current assessment, or negotiated care plan, or both, do not reflect the resident's current status; and

(3) A new assessment may be needed when the resident's condition does not return to baseline within a two week period of time.

"Special care" means care beyond personal care services as defined in this section.

"Staff" means any person who is employed or used by an adult family home, directly or by contract, to provide care and services to any residents.

Staff must meet all the requirements in this chapter and chapter 388-112A WAC.

"Temporary restraining order" means a restraining order or order of protection that expired without a hearing, was dismissed following an initial hearing, or was dismissed by stipulation of the parties before an initial hearing.

"Uncorrected" means the department has cited a violation of WAC or RCW following an inspection and the violation remains uncorrected at the time of a subsequent inspection for the specific purpose of verifying whether such violation has been corrected.

"Unsupervised" means not in the presence of:

(1) Another employee or volunteer from the same business or organization; or

(2) Any relative or guardian of any of the children or individuals with developmental disabilities or vulnerable adults to which the employee, student, or volunteer has access during the course of their employment or involvement with the business or organization.

"Usable floor space" means resident bedroom floor space exclusive of:

(1) Toilet rooms;

(2) Closets;

(3) Lockers;

(4) Wardrobes;

(5) Vestibules; and

(6) The space required for the door to swing if the bedroom door opens into the resident bedroom.

"Vulnerable adult" means a person:

(1) 60 years of age or older who has the functional, mental, or physical inability to care for themselves; or

(2) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or

(3) Who has a developmental disability as defined under RCW 71A.10.020; or

(4) Admitted to any facility; or

(5) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(6) Receiving services from an individual provider; or

(7) Who self-directs their own care and receives services from a personal aide under chapter 74.39 RCW.

"Water hazard" means any body of water over 24 inches in depth that can be accessed by a resident, and includes but is not limited to:

(1) In-ground, above-ground, and on-ground pools;

(2) Hot tubs, spas;

(3) Fixed-in-place wading pools;

(4) Decorative water features;

(5) Ponds; or

(6) Natural bodies of water such as streams, lakes, rivers, and oceans.

"Working day" means any day the department is open for business.

[Statutory Authority: RCW 18.20.090, 18.51.070, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 26-05-046, s 388-76-10000,

filed 2/12/26, effective 3/15/26. Statutory Authority: RCW 18.20.090, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 25-16-099, s 388-76-10000, filed 8/6/25, effective 9/6/25. Statutory Authority: RCW 70.128.040 and 70.128.066. WSR 23-12-075, § 388-76-10000, filed 6/6/23, effective 8/1/23. Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10000, filed 2/6/20, effective 3/8/20. Statutory Authority: Chapters 70.128 and 74.34 RCW. WSR 18-07-068, § 388-76-10000, filed 3/16/18, effective 4/16/18. Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10000, filed 10/4/16, effective 11/4/16; WSR 16-06-004, § 388-76-10000, filed 2/17/16, effective 4/1/16; WSR 15-03-037, § 388-76-10000, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10000, filed 6/24/14, effective 7/25/14. Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10000, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10000, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10000, filed 1/15/10, effective 2/15/10; WSR 09-03-029, § 388-76-10000, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10000, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10002 Department authority. Under chapter 70.128 RCW, the department is authorized to take actions in response to adult family home noncompliance or violations of requirements of this chapter or rules adopted under chapters 70.128, 70.129, and 74.34 RCW.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10002, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10003 Department access. (1) During the initial licensing of the home, the applicant must allow the department staff to inspect the entire premises including all of the home's rooms, buildings, grounds, and equipment and all pertinent records.

(2) During inspections after initial licensing is complete, the adult family home must allow the department staff to examine all areas and articles in the home that are used to provide care or support to residents, including the physical premises and residents' records and accounts. The physical premises includes the buildings, grounds, and equipment, as well as all areas of the home for the purpose of checking smoke detectors, fire extinguishers, and posting of the emergency evacuation floor plan. The personal records of adult family home staff unrelated to the operation of the adult family home are not subject to department inspection. A separate bedroom used by adult family home staff will not be subject to review and inspection unless it is used to provide direct care to a resident.

(3) During complaint investigations, the adult family home must give department staff access to the entire premises and all records related to the residents or operation of the home. Department staff are authorized to interview the provider, family members, and individuals residing in the home including residents.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10003, filed 2/6/20, effective 3/8/20. Statutory Authority: RCW

70.128.040. WSR 10-03-064, § 388-76-10003, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10004 Exemptions. (1) An adult family home may request an exemption to a specific requirement in this chapter. The request must demonstrate to the department that the exemption will:

(a) Not jeopardize or adversely affect any resident's health, safety, rights, or quality of life;

(b) Not change the fundamental nature of the adult family home operations;

(c) Correct deficiencies, prevent deficiencies, or upgrade the home in order to better serve residents;

(d) Allow the home to provide a comparable level of service to residents through the use of alternative procedures, materials, or equipment; and

(e) Not violate state or federal laws.

(2) A request for exemption must be submitted to the director of residential care services in writing and must:

(a) Identify the specific section of this chapter for which the exemption is sought;

(b) State the reason the requested exemption is needed; and

(c) Provide an explanation of how the home will meet the requirements in subsection (1) of this section if the exemption is approved.

(3) The adult family home must retain in the adult family home a copy of each approved exemption.

(4) Exemption to a requirement of this chapter may be granted at the sole discretion of the director of residential care services after evaluation of the criteria in subsection (1) of this section. The adult family home is not entitled to an administrative appeal of the department's denial of a request for an exemption.

[Statutory Authority: RCW 70.128.040 and 70.128.066. WSR 23-12-075, § 388-76-10004, filed 6/6/23, effective 8/1/23.]

LICENSE

WAC 388-76-10005 License—Required. (1) Any person or entity must have a license by the department to operate an adult family home.

(2) No person or entity may provide personal care, special care, and room and board for more than one resident without a license.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10005, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10010 License—Valid and not transferable. (1) The adult family home is not required to renew the license each year.

(2) The license remains valid unless:

(a) The department takes enforcement action to suspend or revoke the license per law;

(b) The home voluntarily surrenders the license and closes the home;

(c) The home relinquishes the license; or

(d) The home fails to pay the annual licensing fee.

(3) The home license is:

(a) Not transferable; and

(b) Valid only for the provider and address listed on the license.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10010, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10015 License—Adult family home—Compliance required. (1) The licensed adult family home must comply with all the requirements established in chapters 70.128, 70.129, 74.34 RCW, this chapter and other applicable laws and regulations including chapter 74.39A RCW; and

(2) The provider is ultimately responsible for the day-to-day operation of each licensed home.

(3) The provider must promote the health, safety, and well-being of each resident residing in each licensed adult family home.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10015, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10015, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10015, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10020 License—Ability to provide care and services. The provider must have the:

(1) Understanding, ability, emotional stability and physical health necessary to meet the psychosocial, personal, and special care needs of the vulnerable adults under the home's care; and

(2) Ability to meet all personal and business financial obligations.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10020, filed 2/6/20, effective 3/8/20. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10020, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10020, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10025 License annual fee. (1) The adult family home must pay the license fee that is established in the state's operating budget, as described in RCW 70.128.060.

(2) Each year, the home's annual license fee is due during the same month in which the home was initially licensed. For example, if the home was licensed in June, 2010, then the annual licensing fee will be due in June of each year.

(3) The home must ensure that the department receives the annual license fee when it is due.

(4) If the home does not pay the fee when it is due, the department will impose remedies.

[Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10025, filed 7/31/12, effective 8/31/12. Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10025, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 09-21-075, § 388-76-10025, filed 10/16/09, effective 11/16/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10025, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10030 Adult family home capacity. (1) In determining the home's licensed capacity, the department must consider the:

(a) Structural design of the house;

(b) Number and accessibility of bathrooms;

(c) Number and qualifications of staff;

(d) Total number of people living in the home who require personal or special care, including:

(i) Related children and adults; and

(ii) Other household members;

(e) The number of people for whom the home provides adult day care; and

(f) The ability for the home to safely evacuate all people living in the home.

(2) The licensed capacity number will be listed on the adult family home license and the home must ensure that the number of residents in the home does not exceed the licensed capacity.

(3) The adult family home licensed capacity may be adjusted due to changes to the household mix or structure, including the number of others receiving personal or special care in the home.

[Statutory Authority: RCW 70.128.040 and 70.128.066. WSR 23-12-075, § 388-76-10030, filed 6/6/23, effective 8/1/23. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10030, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10030, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10031 License requirements—Seven or eight bed adult family homes—Licensure. (1) An adult family home submitting an application to increase the licensed capacity of a currently licensed adult family home to seven or eight residents must:

(a) Be able to demonstrate to the department the applicant's history of financial solvency and successful management experience as an adult family home provider;

(b) Maintain the initial license for the adult family home identified on the capacity increase application for a period of no less than 24 months prior to application;

(c) Maintain a licensed capacity for six residents for at least the 12 months immediately prior to application;

(d) Demonstrate to the department the ability to comply with the emergency evacuation standards in WAC 388-76-10865; and

(e) Receive at least two full inspections prior to application, with no enforcement action taken against the home during the time period starting with the older of the two most recent inspections and ending at the time the capacity increase is approved. Between June 6,

2024, and January 1, 2026, for adult family homes applying to increase bed capacity under RCW 70.128.066, the department may:

(i) Complete the first inspection upon receipt of an application to increase bed capacity if the home has otherwise met the requirements of RCW 70.128.066.

(ii) Complete a second inspection upon receipt of an application to increase bed capacity if at least six months have passed since the first inspection.

(2) The adult family home must provide the following items to the department with the application:

(a) Documentation verifying the installation of an automatic sprinkler system that meets the requirements of chapter 51-54A WAC if the home serves residents who require assistance during an evacuation;

(b) Any outstanding fees associated with licensure or additional inspections;

(c) A written plan to mitigate the potential impact of vehicular traffic related to the increased capacity; and

(d) An attestation signed by the provider that states an increase in the number of beds will not adversely affect the provider's ability to meet the health, safety, rights, or quality of life needs of the current and prospective residents in the home.

(3) At the time of application for a license capacity increase to seven or eight residents, the adult family home must provide a written notice to all residents and the residents' representatives that the home has applied for a license capacity increase. This notice must:

(a) Be provided at least 60 days prior to admitting a seventh or eighth resident;

(b) Be written in a manner or language that is understood by the residents and the residents' representatives;

(c) Inform residents and resident representatives that the department will consider their comments regarding the quality of care and quality of life offered by the home and their views regarding the addition of one or two more residents; and

(d) Provide contact information for the regional residential care services licensing office where the resident or their representative can share their comments.

(4) An adult family home licensed for seven or eight beds that does not have an automatic sprinkler system must not serve residents that require assistance during evacuation as defined by WAC 388-76-10870 and will have a limit placed on their license by the department.

[Statutory Authority: RCW 70.128.040 and 70.128.066. WSR 25-04-035, s 388-76-10031, filed 1/28/25, effective 3/4/25; WSR 23-12-075, § 388-76-10031, filed 6/6/23, effective 8/1/23.]

WAC 388-76-10032 License requirements—Seven or eight bed adult family homes—Change of ownership. An applicant submitting an application for a change of ownership of an adult family home with a licensed capacity of seven or eight residents must be a currently licensed adult family home provider that has held that license for a period of no less than 24 months; and

(1) Maintain a license for six or more residents in their currently licensed home for at least the 12 months immediately prior to application; and

(2) Receive at least two full inspections prior to application, with no enforcement action taken against the home during the time period starting with the older of the two most recent inspections and ending at the time the capacity increase is approved.

[Statutory Authority: RCW 70.128.040 and 70.128.066. WSR 23-12-075, § 388-76-10032, filed 6/6/23, effective 8/1/23.]

WAC 388-76-10035 License requirements—Multiple adult family home providers. The department will only consider an application for more than one home if the applicant has:

(1) Evidence of successful completion of the adult family home administrator training to meet the applicable requirements of chapter 388-112A WAC;

(2) The ability to operate more than one home;

(3) The following plans for each home the applicant intends to operate. Each of the following plans must be updated and maintained:

(a) A twenty-four hour a day, seven day a week staffing plan;

(b) A plan for managing the daily operations of each home; and

(c) A plan for emergencies, deliveries, staff and visitor parking;

(4) A demonstrated history of financial solvency related to the ability to provide care and services; and

(5) A different resident manager at each home who is responsible for the care of each resident at all times.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10035, filed 2/6/20, effective 3/8/20. Statutory Authority: Chapter 70.128 RCW. WSR 18-20-015, § 388-76-10035, filed 9/21/18, effective 10/22/18; WSR 12-01-004, § 388-76-10035, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10035, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10035, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10036 License requirements—Multiple adult family home management. When there is more than one home licensed to a provider, the adult family home must ensure that:

(1) Each home has one person responsible for managing the overall delivery of care to all residents in the home;

(2) The designated responsible person is the provider, entity representative or a resident manager; and

(3) Each responsible person is designated to manage only one adult family home at a given time.

[Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10036, filed 1/22/10, effective 2/22/10; WSR 09-03-030, § 388-76-10036, filed 1/12/09, effective 2/12/09.]

WAC 388-76-10037 License requirements—Multiple adult family homes—Additional homes. The department will only accept and process an application for an additional license as follows:

(1) For a second home, if the applicant has maintained the first adult family home license for at least twenty-four months with no enforcement actions as listed in RCW 70.128.160(2) related to a significant violation of chapters 70.128, 70.129 or 74.34 RCW, this chapter, or other applicable laws and regulations; and

(2) For a third or additional homes as follows:

(a) When twelve months have passed since the previous adult family home license was granted and the department has taken no enforcement actions against the applicant's currently licensed adult family homes during the twelve months prior to application; or

(b) When less than twelve months have passed since the previous adult family home license was granted; and

(i) The applications are due to the change in ownership of existing adult family homes that are currently licensed; and

(ii) No enforcement action was taken against any of the applicant's currently licensed homes during the twelve months prior to application.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10037, filed 2/6/20, effective 3/8/20. Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10037, filed 1/12/15, effective 2/12/15; WSR 12-01-004, § 388-76-10037, filed 12/7/11, effective 1/7/12.]

WAC 388-76-10040 License requirements—Qualified person must live-in or be on-site. (1) The adult family home provider or entity representative must:

(a) Live in the home; or

(b) Employ or contract with a resident manager who lives in the home and is responsible for the care and services of each resident at all times.

(2) The provider, entity representative, or resident manager is exempt from the requirement to live in the home if:

(a) The home has twenty-four hour staffing coverage; and

(b) A staff person who can make needed decisions is always present in the home.

[Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10040, filed 1/22/10, effective 2/22/10; WSR 09-03-030, § 388-76-10040, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10040, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10041 License—Change of personnel. An entity provider must:

(1) Notify the department when officers, directors, or entity representatives change, or when any owner is added and what percent of ownership is granted;

(2) Provide at least one point of contact for the owner, board of directors, or other governing body and if the entity has a board of directors, the provider must post in the home in a visible location in a common area information on at least one board meeting per twelve month period where all residents, their representatives, adult family

home staff, the department, representatives of resident advocacy programs, and the long-term care ombuds can view it; and

(3) Provide written notice to all residents and the department when the entity representative changes as soon as possible upon realizing the need for a change.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10041, filed 2/6/20, effective 3/8/20.]

WAC 388-76-10050 License—Relinquishment. (1) If an adult family home does not have any residents, it may relinquish its license at any time.

(2) The home must relinquish its license if it has not provided care and services to residents for twenty-four months.

(3) The department may revoke the adult family home license if:

(a) The home does not relinquish the license as required under subsection (2); and

(b) There is no credible evidence that residents were cared for in the home during the period of time specified in subsection (2).

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10050, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10050, filed 10/16/07, effective 1/1/08.]

LICENSE APPLICATION

WAC 388-76-10055 Application—Generally. The applicant must send a completed application to the department for any of the following actions:

(1) To receive an initial adult family home license;

(2) To change ownership of the adult family home;

(3) To change the location or address of the adult family home; or

(4) To increase the licensed capacity of the adult family home.

[Statutory Authority: RCW 70.128.040 and 70.128.066. WSR 23-12-075, § 388-76-10055, filed 6/6/23, effective 8/1/23. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10055, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10055, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10057 Application—General qualifications. Before sending the application to the department, the applicant must ensure that the people listed on the application meet any applicable minimum qualifications listed in WAC 388-76-10130 through 388-76-10145.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10057, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10063 Application—General training requirements. An applicant must ensure that any individual provider, entity representative, or resident manager listed on the application has successfully completed the training that is required for their role under this chapter and chapter 388-112A WAC.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10063, filed 2/6/20, effective 3/8/20. Statutory Authority: Chapter 70.128 RCW. WSR 18-20-015, § 388-76-10063, filed 9/21/18, effective 10/22/18. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10063, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10064 Adult family home administrator training requirements. (1) Applicants and entity representatives must successfully complete the department approved adult family home administration class as required in chapter 388-112A WAC.

(2) An applicant who operates or is the entity representative in a currently licensed home and has already taken the adult family home administrator training is not required to take the class again. However, a currently licensed provider or current entity representative who has not successfully completed the adult family home administrator training must take the class before submitting an application for a new license.

(3) Under exceptional circumstances, the department may waive the administrator training class for up to four months if the application meets all the other requirements for licensure and all the components of WAC 388-76-10074 or the requirements for a provisional license per RCW 70.128.064.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10064, filed 2/6/20, effective 3/8/20. Statutory Authority: Chapter 70.128 RCW. WSR 18-20-015, § 388-76-10064, filed 9/21/18, effective 10/22/18; WSR 16-01-171, § 388-76-10064, filed 12/22/15, effective 1/22/16; WSR 12-01-004, § 388-76-10064, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10064, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10065 Application—Required information. To apply for a license, an applicant must:

(1) Provide all information required on the application form;

(2) Provide any additional information requested by the department; and

(3) Send the complete application form to the department.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10065, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10070 Application—Fees required. (1) The applicant must pay all processing and license fees established in the state omnibus appropriations act and any amendment or additions made to that act.

(2) The applicant must submit the required fees with the application form.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10070, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 09-21-075, § 388-76-10070, filed 10/16/09, effective 11/16/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10070, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10073 Application—Processing fees required. The processing fee, required in the state omnibus appropriations act and any amendment or additions made to that act, applies to any application submitted to the department, including but not limited to an application for licensure, change of ownership, or a change of location.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10073, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 09-21-075, § 388-76-10073, filed 10/16/09, effective 11/16/09.]

WAC 388-76-10074 Application—Waiver of fees. The department may authorize a one-time waiver of the application fees for a change of ownership or relocation, if the situation meets all of the following conditions:

(1) The current provider has experienced an exceptional circumstance such as the diagnosis of a terminal or debilitating illness that prevents them from running the adult family home;

(2) Residents will be forced to move if a new provider is not licensed;

(3) Full payment of the licensing fee would cause the applicant a financial hardship;

(4) The application has been approved for priority processing by the local field office per WAC 388-76-10107; and

(5) Neither the applicant nor the current provider has requested a waiver of fees in the past.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10074, filed 2/6/20, effective 3/8/20. Statutory Authority: Chapter 70.128 RCW. WSR 16-01-171, § 388-76-10074, filed 12/22/15, effective 1/22/16.]

WAC 388-76-10075 Application—Becomes void. The department must consider the application void when the applicant:

(1) Does not return information to the department within sixty calendar days of the department's first request for additional information for an incomplete application; or

(2) Has not obtained an adult family home license within one calendar year of first submitting the application to the department.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10075, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10080 Application—Coprovider. Couples who are legally married or domestic partners under Washington state law:

(1) May not apply for separate licenses; and

(2) May apply jointly to be coproviders, if they are both qualified. One person may apply to be a provider without requiring the other person to apply.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10080, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10080, filed 1/15/10, effective 2/15/10; WSR 09-03-030, § 388-76-10080, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10080, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10085 Application—Affiliated facilities. The applicant must include in the application a list of all facilities or homes in which the applicant, persons affiliated with the applicant, or affiliated entities provided care and services to children or vulnerable adults within the last ten years.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10085, filed 2/6/20, effective 3/8/20. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10085, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10090 Application—Entity application. An entity submitting an application must:

(1) Include a list of all facilities or homes in which the applicant or persons affiliated with the applicant, managerial employee, or owner of five percent or more of the entity provided care and services to children or vulnerable adults within the last ten years;

(2) Designate an entity representative who:

(a) Fulfills the training and qualification requirements under this chapter that only an individual can fulfill where an entity cannot;

(b) Is responsible on behalf of the entity for the operations of the adult family home;

(c) Will be considered the department's primary contact person on behalf of the entity;

(d) May act as the resident manager in only one home;

(e) May be an officer, director, member, or owner of the entity, but in the case that they are not, the entity provider must have a plan under WAC 388-76-10201 to ensure that at no time will the entity provider lack an entity representative that meets the requirements of subsection (2)(a) of this section; and

(f) May be designated as the entity representative for only one entity provider;

(3) Designate a resident manager for the home if the entity representative is not the designated resident manager in subsection (2)(d) of this section; and

(4) Identify all DSHS licensed facilities or homes owned by any affiliated entity.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10090, filed 2/6/20, effective 3/8/20. Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10090, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10090, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10095 Application—Identification of property owner—Required. (1) Applicants must name the property owner of the building if the building to be used as an adult family home is leased, under contract, or rented and the property owner takes an active interest in the operation of the home.

(2) An active interest includes but is not limited to:

(a) The charging of rent as a percentage of the business;

(b) Assistance with start-up and/or operational costs;

(c) Collection of resident fees;

(d) Recruitment of residents;

(e) Management oversight;

(f) Assessment and/or negotiated care plan development of residents;

(g) The provision of personal or special care of residents; or

(h) Property ownership by an affiliated entity.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10095, filed 2/6/20, effective 3/8/20. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10095, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10100 Application—Subject to review. (1) Adult family home license applications are subject to review under this chapter.

(2) The department will not process an incomplete application and will return the application requesting the missing information.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10100, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10105 Application—Change of ownership. (1) Under this section, "control of the provider" means the possession, directly or indirectly, of the power to direct the management, operation and/or policies of the adult family home, whether through ownership, voting control, by agreement, by contract, or otherwise.

(2) A change of ownership of an adult family home requires both a new license application and a new license.

(3) A change of ownership occurs when there is a change in:

(a) The provider; or

(b) The control of a provider.

(4) Events that constitute a change of ownership include, but are not limited to:

(a) The form of legal organization of the adult family home is changed, such as when an adult family home forms:

(i) A partnership;

(ii) A corporation;

(iii) A limited liability company; or

(iv) When it merges with another legal organization;

(b) The adult family home transfers business operations and management responsibility to another party, whether or not there is a partial or whole transfer of real property, personal property, or both;

(c) Dissolution of a business partnership that is licensed to operate the adult family home;

(d) If the adult family home is an entity and the entity:

(i) Is dissolved;

(ii) Merges with another entity, resulting in a change in the control of the provider;

(iii) Consolidates with one or more entities to form a new entity; or

(iv) Whether by a single transaction or multiple transactions over any time period, transfers fifty percent or more of its shares to one or more of the following:

(A) New or former owners; or

(B) Present owners, each having less than five percent of the ownership interest before the initial transaction; or

(e) Any other event or combination of events that results in a substitution, elimination, or withdrawal of the provider's control of the adult family home.

(5) Events which do not by themselves constitute a change in ownership include:

(a) For a nonprofit entity only, a change of a member or members of the board of directors;

(b) A change in entity representative; or

(c) Two people are both licensed as a married couple or domestic partners to operate an adult family home and an event, such as separation, divorce, or death, results in only one person operating the home.

(6) The new owner:

(a) Must obtain a new license from the department before transfer of ownership;

(b) Must not begin operation of the adult family home until the department has granted the license unless a provisional license has been requested and granted for exceptional circumstances per RCW 70.128.064;

(c) Must correct all deficiencies that exist at the time of the ownership change;

(d) Is subject to the provisions of chapters 70.128, 70.129, 74.34 RCW, this chapter and other applicable laws and regulations;

(e) Must ensure that any funds in the resident's accounts at the time of the ownership change remain in an equivalent account. If any funds in resident's accounts are moved, the new owner must promptly notify residents or resident's representative in writing of the name, address, and location of the new depository; and

(f) Must provide the department with a copy of the written notice of the change of ownership that was given to each resident, or applicable resident representatives.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10105, filed 2/6/20, effective 3/8/20. Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10105, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 10-14-058, §

388-76-10105, filed 6/30/10, effective 7/31/10; WSR 10-04-008, § 388-76-10105, filed 1/22/10, effective 2/22/10; WSR 09-03-030, § 388-76-10105, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10105, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10106 Change of ownership—Notice to department and residents. (1) The current adult family home owner must provide written notice to the department and residents or applicable resident representatives sixty calendar days prior to the date of the proposed change of ownership; and

(2) The home must include the following information in the written notice:

(a) Names of the present owner and prospective owner, and if the present or prospective owner is an entity, include the names of each partner, member, officer, and director of the entity, and of any affiliated entities;

(b) Name and address of the adult family home for which the ownership is being changed;

(c) Date notice was provided;

(d) The resident's right to decide whether they want to stay or move; and

(e) Any change in the home's policies or operations that could impact a resident's ability to continue to live in the home. For example, if the new owner will be changing the home's policy on serving medicaid eligible residents, that change might impact a resident's ability to continue receiving services in the home.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10106, filed 2/6/20, effective 3/8/20. Statutory Authority: RCW 70.128.040. WSR 10-14-058, § 388-76-10106, filed 6/30/10, effective 7/31/10.]

WAC 388-76-10107 Priority processing—Change of ownership and relocation. (1) In order to prevent disruption to residents, currently licensed providers may request in writing that the department give priority processing to an applicant seeking to be licensed as the new provider of an existing, licensed adult family home in the event of a change of ownership or relocation.

(2) If priority processing is granted, the requirement that written notification be provided to the department and residents or applicable resident representatives sixty days prior to the change of ownership may be waived. Notice will be required as early as possible if this requirement is waived.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10107, filed 2/6/20, effective 3/8/20. Statutory Authority: Chapter 70.128 RCW. WSR 16-01-171, § 388-76-10107, filed 12/22/15, effective 1/22/16. Statutory Authority: RCW 70.128.040. WSR 10-14-058, § 388-76-10107, filed 6/30/10, effective 7/31/10.]

WAC 388-76-10110 Application—Change of location or address. (1) A change of the adult family home location or address requires both a new license application and a new license.

(2) The home must not start operations of the home at a new location until the department has granted the license for the new location.

(3) The home must notify each resident or resident representative, in writing at least thirty days before the effective date of the change of the home location or address.

[Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10110, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10110, filed 10/16/07, effective 1/1/08.]

GRANTING OR DENYING A LICENSE

WAC 388-76-10115 Granting or denying a license—Generally. In making a determination of whether to grant an adult family home license, the department must consider:

(1) Separately and jointly each person and entity named in an application, including each person or entity affiliated with the applicant;

(2) Information in the application;

(3) Other documents and information the department deems relevant which may include, but not be limited to:

(a) Inspection and complaint investigation findings in each facility or home in which the applicant, person affiliated with the applicant, or owner of five percent or more of the entity provided care or services to children or vulnerable adults; and

(b) Credit information.

(4) The history of convictions and other circumstances described in WAC 388-76-10120 and 388-76-10125 for each individual listed on the application including, but not limited to the following:

(a) Applicant;

(b) Person affiliated with the applicant;

(c) Entity representative;

(d) Caregiver;

(e) An owner who:

(i) Exercised daily control over the operations; or

(ii) Owns fifty-one percent or more of the entity.

(f) Any person who may have unsupervised access to residents in the home; and

(g) Any person who lives in the home and is not a resident.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10115, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10115, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10120 License—Must be denied. The adult family home license will not be granted if:

(1) The applicant has not successfully completed a department-approved adult family home administration and business planning class except as provided in WAC 388-76-10064;

(2) It has been less than 20 years since the applicant surrendered or relinquished an adult family home license after receiving notice of the department's initiation of a denial, suspension, nonrenewal, or revocation of the license; or

(3) The applicant, the spouse, or domestic partner of an applicant who is a sole proprietor, the spouse or domestic partner of an entity representative with an ownership interest in the business, or any partner, officer, director, managerial employee, or majority owner of the applying entity:

(a) Has a history of significant noncompliance with federal or state laws or regulations in the provision of care or services to children or vulnerable adults;

(b) Has prior violations of federal or state laws or regulations relating to residential care facilities resulting in revocation, suspension, or nonrenewal of a license or contract with the department within the past 10 years;

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

(d) Has one or more of the following disqualifying negative actions:

(i) A court has issued a permanent restraining order or order of protection, either active or expired, against the person that was based upon abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult;

(ii) The person is a registered sex offender;

(iii) The person is on a registry based upon a final finding of abuse, neglect, or financial exploitation of a vulnerable adult, unless the finding was made by adult protective services prior to October 2003;

(iv) A founded finding of abuse or neglect of a child was made against the person, unless the finding was made by child protective services prior to October 1, 1998;

(v) The individual was found in any dependency action to have sexually assaulted or exploited any child or to have physically abused any child;

(vi) The individual was found by a court in a domestic relations proceeding under Title 26 RCW, or under any comparable state or federal law, to have sexually abused or exploited any child or to have physically abused any child;

(vii) The individual has had a contract or license denied, terminated, revoked, or suspended due to abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult; or

(viii) The individual has relinquished a license or terminated a contract because an agency was taking an action against the individual related to alleged abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult.

(4) The applicant is the operator of one or more currently licensed adult family homes and does not meet the requirements of being a multiple home provider under RCW 70.128.065.

[Statutory Authority: RCW 70.128.040, 70.128.065, and 45 C.F.R. § 1324.11 (e)(2). WSR 26-17-004, s 388-76-10120, filed 8/5/26, effective 9/20/26. Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10120, filed 2/6/20, effective 3/8/20. Statutory

Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10120, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10120, filed 7/31/12, effective 8/31/12. Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10120, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10120, filed 1/15/10, effective 2/15/10; WSR 09-03-028, § 388-76-10120, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10120, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10125 License—May be denied. The adult family home license may be denied if the applicant or the applicant's spouse, domestic partner, or any partner, officer, director, managerial employee, or majority owner of the applying entity:

(1) Has any conviction or pending criminal charge for crime that is not automatically disqualifying under chapter 388-113 WAC, but that the department determines is reasonably related to the competency of the person to be involved in the ownership or operation of an adult family home;

(2) Has abused, neglected, or financially exploited a vulnerable adult, unless denial is required under WAC 388-76-10120;

(3) Has engaged in the illegal use, sale, or distribution of drugs or excessive use of alcohol or drugs without the evidence of rehabilitation;

(4) Has been found in any final decision of a federal or state agency to have abandoned, neglected, abused, or financially exploited a vulnerable adult, unless such decision requires a license denial under WAC 388-76-10120;

(5) Has had a license for the care of children or vulnerable adults denied, suspended, revoked, or not renewed in connection with the operation of any facility for the care of children or vulnerable adults, relinquished or returned a license, or did not seek license renewal following written notification that the licensing agency intended to deny, suspend, or revoke the license, unless such action requires a license denial under WAC 388-76-10120;

(6) Has a history of prior violations of chapter 70.128 RCW or any law regulating residential care facilities that resulted in revocation, suspension, or nonrenewal of a license;

(7) Has been enjoined from operating a facility for the care and services of children or adults;

(8) Has had a medicaid or medicare provider agreement or any other contract for the care and treatment of children or vulnerable adults, terminated, cancelled, suspended, or not renewed by any public agency, including a state medicaid agency;

(9) Has been the subject of 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;

(10) Has obtained or attempted to obtain a license from the department by fraudulent means or misrepresentation;

(11) Knowingly, or with reason to know, made a false statement of material fact on their application for a license or any data attached to the application, or in any matter involving the department;

(12) Permitted, aided, or abetted the commission of any illegal act on the adult family home premises;

(13) Willfully prevented or interfered with or failed to cooperate with any inspection, investigation, or monitoring visit made by the department, including refusal to permit authorized department representatives to interview residents or have access to their records;

(14) Failed or refused to comply with:

(a) A condition imposed on a license or a stop placement order; or

(b) The requirements of chapters 70.128, 70.129, 74.34 RCW, this chapter, or other applicable laws and regulations;

(15) Misappropriated property of a resident, unless such action requires a license denial under WAC 388-76-10120;

(16) Exceeded licensed capacity in the operation of an adult family home;

(17) Operated a facility for the care of children or adults without a license or with a revoked license;

(18) When providing care to children or vulnerable adults, has had resident trust funds or assets seized by the Internal Revenue Service or a state entity for failure to pay income or payroll taxes;

(19) Failed to meet financial obligations as the obligations fell due in the normal course of owning or operating a business involved in the provision of care and services to children or vulnerable adults;

(20) Has failed to meet personal financial obligations, or if the applicant is an entity, has failed to meet the entity's financial obligation, or both;

(21) Interfered with a long-term care ombuds or department staff in the performance of their duties;

(22) Has not demonstrated financial solvency or management experience in its currently licensed homes, or has not demonstrated the ability to meet other relevant safety, health, and operating standards pertaining to the operation of multiple homes, including ways to mitigate the potential impact of vehicular traffic related to the operation of the homes;

(23) The home is currently licensed:

(a) As an assisted living facility; or

(b) To provide care for children in the same home, unless:

(i) It is necessary in order to allow a resident's child(ren) to live in the same home as the resident or to allow a resident who turns 18 to remain in the home;

(ii) The applicant provides satisfactory evidence to the department of the home's capacity to meet the needs of children and adults residing in the home; and

(iii) The total number of residents receiving care and services in the home does not exceed the number permitted by the licensed capacity of the home;

(24) Failed to give the department access to all parts of the home as authorized under RCW 70.128.090; or

(25) Has demonstrated any other factors that give evidence the individual lacks the appropriate character, competence, and suitability to provide care or services to vulnerable adults.

[Statutory Authority: RCW 70.128.040, 70.128.065, and 45 C.F.R. § 1324.11 (e)(2). WSR 26-17-004, s 388-76-10125, filed 8/5/26, effective 9/20/26. Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10125, filed 2/6/20, effective 3/8/20. Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10125, filed

1/12/15, effective 2/12/15. Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10125, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10125, filed 1/15/10, effective 2/15/10; WSR 09-03-028, § 388-76-10125, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10125, filed 10/16/07, effective 1/1/08.]

QUALIFICATIONS OF INDIVIDUALS PROVIDING CARE AND SERVICES

WAC 388-76-10129 Qualifications—Adult family home personnel. (1) The adult family home must ensure that any person employed or used by the adult family home, directly or by contract, is qualified and meets all of the applicable requirements of this chapter and chapter 388-112A WAC. This may include, but is not limited to:

(a) The provider;

(b) Entity representative;

(c) Resident manager;

(d) Staff; and

(e) Caregivers.

(2) Every home must have a designated resident manager. The provider or entity representative can also be the designated resident manager, but an individual can only be the designated resident manager for one home at a time.

(3) For entities licensed after the effective date of this section, an individual can only be the entity representative for one entity provider.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10129, filed 2/6/20, effective 3/8/20. Statutory Authority: Chapter 70.128 RCW. WSR 18-20-015, § 388-76-10129, filed 9/21/18, effective 10/22/18. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10129, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10130 Qualifications—Provider, entity representative, and resident manager. The adult family home must ensure that the provider, entity representative on behalf of an entity provider, and resident manager have the following minimum qualifications:

(1) Be twenty-one years of age or older;

(2) Have a United States high school diploma or high school equivalency certificate as provided in RCW 28B.50.536, or any English or translated government document of the following:

(a) Successful completion of government approved public or private school education in a foreign country that includes an annual average of one thousand hours of instruction a year for twelve years, or no less than twelve thousand hours of instruction;

(b) Graduation from a foreign college, foreign university, or United States community college with a two-year diploma, such as an associate's degree;

(c) Admission to, or completion of course work at a foreign or United States college or university for which credit was awarded;

(d) Graduation from a foreign or United States college or university, including award of a bachelor's degree;

(e) Admission to, or completion of postgraduate course work at, a United States college or university for which credits were awarded, including award of a master's degree; or

(f) Successful passage of the United States board examination for registered nursing, or any professional medical occupation for which college or university education was required;

(3) Completion of the training requirements that were in effect on the date they were hired or became licensed providers, including the requirements described in chapter 388-112A WAC;

(4) Have good moral and responsible character and reputation;

(5) Be literate and able to communicate in the English language, and assure that a person is on staff and available at the home who is capable of understanding and speaking English well enough to be able to respond appropriately to emergency situations and be able to read, understand and implement resident negotiated care plans;

(6) Have the ability to communicate with residents in their primary language, including through a qualified person on-site or readily available at all times, or other reasonable accommodations, such as a language line;

(7) Be able to carry out the management and administrative requirements of chapters 70.128, 70.129 and 74.34 RCW, this chapter and other applicable laws and regulations;

(8) Have completed at least one thousand hours of successful direct care experience in the previous sixty months obtained after age eighteen to vulnerable adults in a licensed or contracted setting before operating or managing a home. Individuals holding one of the following professional licenses are exempt from this requirement:

(a) Physician licensed under chapter 18.71 RCW;

(b) Osteopathic physician licensed under chapter 18.57 RCW;

(c) Osteopathic physician assistant licensed under chapter 18.57A RCW;

(d) Physician assistant licensed under chapter 18.71A RCW; or

(e) Registered nurse, advanced registered nurse practitioner, or licensed practical nurse licensed under chapter 18.79 RCW;

(9) Have no disqualifying criminal convictions or pending criminal charges under chapter 388-113 WAC;

(10) Have none of the negative actions listed in WAC 388-76-10180;

(11) Obtain and keep valid cardiopulmonary resuscitation (CPR) and first-aid card or certificate as required in chapter 388-112A WAC; and

(12) Have tuberculosis screening to establish tuberculosis status per this chapter.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10130, filed 2/6/20, effective 3/8/20. Statutory Authority: Chapter 70.128 RCW. WSR 18-20-015, § 388-76-10130, filed 9/21/18, effective 10/22/18; WSR 15-03-037, § 388-76-10130, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10130, filed 6/24/14, effective 7/25/14. Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10130, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10130, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10130, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10135 Qualifications—Caregiver. The adult family home must ensure each caregiver has the following minimum qualifications:

(1) Be eighteen years of age or older;

(2) Has a clear understanding of the caregiver job responsibilities and knowledge of each resident's negotiated care plan to provide care specific to the needs of each resident;

(3) Has basic communication skills to:

(a) Be able to communicate or make provisions to communicate with the resident in his or her primary language; and

(b) Understand and speak English well enough to:

(i) Respond appropriately to emergency situations; and

(ii) Read, understand, and implement resident negotiated care plans;

(4) Has completed the training requirements in effect on the date the caregiver was hired, including the requirements applicable to the caregiver under chapter 388-112A WAC;

(5) Has no disqualifying criminal convictions or pending criminal charges under chapter 388-113 WAC;

(6) Has none of the negative actions listed in WAC 388-76-10180;

(7) Has a current valid first-aid card or certificate as required in chapter 388-112A WAC, except nurses, who are exempt from this requirement;

(8) Has a valid cardiopulmonary resuscitation (CPR) card or certificate as required in chapter 388-112A WAC; and

(9) Meets the tuberculosis screening requirements of this chapter.

[Statutory Authority: Chapter 70.128 RCW. WSR 18-20-015, § 388-76-10135, filed 9/21/18, effective 10/22/18; WSR 17-01-002, § 388-76-10135, filed 12/7/16, effective 1/7/17. Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10135, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10135, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10135, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10140 Qualifications—Students—Volunteers. The adult family home must ensure that students and volunteers meet the following minimum qualifications:

(1) Be eighteen years old or older;

(2) Meet the department's training requirements of chapter 388-112A WAC;

(3) Have no criminal convictions listed in RCW 43.43.830 and 43.43.842 or state or federal findings of abandonment, abuse, neglect or financial exploitation; and

(4) Tuberculosis screening to establish tuberculosis status per this chapter.

[Statutory Authority: Chapter 70.128 RCW. WSR 18-20-015, § 388-76-10140, filed 9/21/18, effective 10/22/18. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10140, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10145 Qualifications—Licensed nurse as provider, entity representative, or resident manager. The adult family home must ensure that a licensed nurse who is a provider, entity representative, or resident manager:

(1) Meets the relevant qualifications for their role listed in WAC 388-76-10130; and

(2) Has a current valid cardiopulmonary resuscitation (CPR) card or certificate as required in chapter 388-112A WAC.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10145, filed 2/6/20, effective 3/8/20. Statutory Authority: Chapter 70.128 RCW. WSR 18-20-015, § 388-76-10145, filed 9/21/18, effective 10/22/18; WSR 16-20-095, § 388-76-10145, filed 10/4/16, effective 11/4/16. Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10145, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10145, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10146 Qualifications—Training and home care aide certification. (1) The adult family home must ensure staff persons hired before January 7, 2012 meet training requirements in effect on the date hired, including requirements in chapter 388-112A WAC.

(2) The adult family home must ensure all adult family home caregivers, entity representatives, and resident managers hired on or after January 7, 2012, meet the long-term care worker training requirements of chapter 388-112A WAC, including but not limited to:

(a) Orientation and safety;

(b) Basic;

(c) Specialty for dementia, mental illness and/or developmental disabilities when serving residents with any of those primary special needs;

(d) Cardiopulmonary resuscitation and first aid; and

(e) Continuing education.

(3) All persons listed in subsection (2) of this section, must obtain the home-care aide certification if required by this section or chapters 246-980 or 388-112A WAC.

(a) Until March 1, 2016, a provisional home-care aide certification may be issued by the department of health to a long-term care worker who is limited English proficient.

(4) Even if an adult family home applicant does not intend to provide direct personal care, the applicant must meet the long-term care worker training and home-care aide certification requirements under chapter 388-112A WAC to the same extent that the requirements would apply if the applicant was a long-term care worker.

(5) Under RCW 18.88B.041 and chapter 246-980 WAC, certain individuals, including registered nurses, licensed practical nurses, certified nursing assistants or persons who are in an approved certified nursing assistant program, are exempt from home-care aide certification and long-term care worker training requirements. This exemption does not apply to continuing education; these individuals must comply with continuing education requirements under chapter 388-112A WAC.

(6) The adult family home must ensure that all staff receive the orientation and training necessary to perform their job duties.

[Statutory Authority: Chapter 70.128 RCW. WSR 18-20-015, § 388-76-10146, filed 9/21/18, effective 10/22/18; WSR 15-03-037, § 388-76-10146, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10146, filed 7/31/12, effective 8/31/12. Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10146, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10146, filed 7/30/10, effective 1/1/11.]

WAC 388-76-10150 Qualifications—Assessor. (1) The adult family home must ensure that an assessor, except for an authorized department case manager, performing an assessment for any resident meets the following qualifications:

(a) A master's degree in social services, human services, behavioral sciences or an allied field and two years social service experience working with adults who have functional or cognitive disabilities; or

(b) A bachelor's degree in social services, human services, behavioral sciences or an allied field and three years social service experience working with adults who have functional or cognitive disabilities; or

(c) Have a valid Washington state license to practice as a nurse under chapter 18.79 RCW and three years of clinical nursing experience; or

(d) Is currently a licensed physician, including an osteopathic physician, in Washington state.

(2) The home must ensure than an assessor who meets the requirements of subsections (1)(a), (b), or (c) of this section does not have unsupervised access to any resident unless the assessor has:

(a) A current criminal history background check; and

(b) Has no disqualifying criminal convictions or pending criminal charges under chapter 388-113 WAC; and

(c) None of the negative actions listed in WAC 388-76-10180 are applicable to the assessor.

[Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10150, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10150, filed 10/16/07, effective 1/1/08.]

CRIMINAL HISTORY BACKGROUND CHECK

WAC 388-76-10160 Background checks—General. (1) Background checks conducted by the department and required in this chapter include but are not limited to:

(a) Washington state name and date of birth background checks; and

(b) After January 7, 2012, a national fingerprint background check in accordance with RCW 74.39A.056.

(2) Nothing in this chapter should be interpreted as requiring the employment of any person against the better judgment of the adult family home.

(3) In addition to chapter 70.128 RCW, these rules are authorized by RCW 43.20A.710, 43.43.830 through 43.43.842 and RCW 74.39A.051.

[Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10160, filed 7/31/12, effective 8/31/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10160, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10160, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10161 Background checks—Who is required to have. (1) An adult family home applicant and anyone affiliated with an applicant must have the following background checks before licensure:

(a) A Washington state name and date of birth background check; and

(b) If applying after January 7, 2012, a national fingerprint background check.

(2) The adult family home must ensure that all caregivers, entity representatives, and resident managers who are employed directly or by contract after January 7, 2012, have the following background checks:

(a) A Washington state name and date of birth background check; and

(b) A national fingerprint background check.

(3) All household members over the age of eleven, volunteers, students, and noncaregiving staff who may have unsupervised access to residents must have a Washington state name and date of birth background check. They are not required to have a national fingerprint background check.

[Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10161, filed 7/31/12, effective 8/31/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10161, filed 7/30/10, effective 1/1/11.]

WAC 388-76-10163 Background checks—Process—Background authorization form. Before the adult family home employs, directly or by contract, a resident manager, entity representative, caregiver, or noncaregiving staff, or accepts as a caregiver any volunteer or student, or allows a household member over the age of eleven unsupervised access to residents, the home must:

(1) Require the person to complete a DSHS background authorization form; and

(2) Submit form to the department's background check central unit, including any additional documentation and information requested by the department.

[Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10163, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10163, filed 7/31/12, effective 8/31/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10163, filed 7/30/10, effective 1/1/11.]

WAC 388-76-101631 Background checks—Washington state name and date of birth background check. If the results of the Washington state name and date of birth background check indicate an individual has a disqualifying criminal conviction or a pending charge for a disqualifying crime under chapter 388-113 WAC, or a disqualifying negative action listed in WAC 388-76-10180 then:

(1) If the individual is a caregiver, entity representative or resident manager, the adult family home must not employ the individual, either directly or by contract; and

(2) If the individual is a household member over the age of eleven, volunteer, student or noncaregiving staff then the adult family home must not allow the individual to have unsupervised access to residents.

[Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-101631, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-101631, filed 7/31/12, effective 8/31/12.]

WAC 388-76-101632 Background checks—National fingerprint background check. (1) Individuals specified in WAC 388-76-10161(2) who are hired after January 7, 2012 and are not disqualified by the Washington state name and date of birth background check, must complete a national fingerprint background check and follow department procedures.

(2) After receiving the results letter of the national fingerprint background check the adult family home must not employ, directly or by contract, a caregiver, entity representative or resident manager who has been convicted of a disqualifying crime or who:

(i) Has a disqualifying conviction or pending charge under chapter 388-113 WAC; or

(ii) Has a disqualifying negative action listed in WAC 388-76-10180.

(3) The provider may accept a copy of a national fingerprint background check result letter and any additional information from the department's background check central unit from an individual who previously completed a national fingerprint background check through the background check central unit, provided the national fingerprint background check was completed after January 7, 2012.

[Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-101632, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-101632, filed 7/31/12, effective 8/31/12.]

WAC 388-76-10164 Background checks—Results—Duty to inform. (1) After receiving the results of the Washington state name and date of birth background check, the adult family home must:

(a) Inform the person of the results of the background checks;

(b) Inform the person that they may request a copy of the results of the background check. If requested, a copy of the background check results must be provided within ten days of the request; and

(c) Notify the department and the other appropriate licensing or certification agency of any person resigning or terminated as a result

of having a disqualifying criminal conviction or pending charge for a disqualifying crime under chapter 388-113 WAC, or a negative action that is disqualifying under WAC 388-76-10180.

(2) After receiving a copy of the results letter of the national fingerprint background check, the adult family home must inform the person:

(a) Of the background check result letter; and

(b) Inform the person that they may request a copy of the results of the national fingerprint background check result letter; and

(c) That any additional information requested can only be obtained from the department's background check central unit.

[Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10164, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10164, filed 7/31/12, effective 8/31/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10164, filed 7/30/10, effective 1/1/11.]

WAC 388-76-10165 Background checks—Washington state name and date of birth background check—Valid for two years—National fingerprint background check—Valid indefinitely. (1) A Washington state name and date of birth background check is valid for two years from the initial date it is conducted. The adult family home must ensure:

(a) A new DSHS background authorization form is submitted to the department's background check central unit every two years for each individual listed in WAC 388-76-10161;

(b) There is a valid Washington state background check for all individuals listed in WAC 388-76-10161.

(2) A national fingerprint background check is valid for an indefinite period of time. The adult family home must ensure there is a valid national fingerprint background check for individuals hired after January 7, 2012 as caregivers, entity representatives or resident managers. To be considered valid, the individual must have completed the national fingerprint background check through the background check central unit after January 7, 2012.

[Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10165, filed 7/31/12, effective 8/31/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10165, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10165, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10166 Background checks—Household members, noncaregiving and unpaid staff—Unsupervised access. (1) The adult family home must not allow individuals specified in WAC 388-76-10161(3) to have unsupervised access to residents until the home receives results of the Washington state name and date of birth background check from the department.

(2) If the background check results show that an individual specified in WAC 388-76-10161 has a criminal conviction or pending charge for a crime that is not automatically disqualifying under chapter 388-113 WAC, then the adult family home must:

(a) Determine whether or not the person has the character, competence and suitability to have unsupervised access to residents; and

(b) Document in writing the basis for making the decision.

(c) Nothing in this section should be interpreted as requiring the employment of any person against the better judgment of the adult family home.

[Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10166, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10166, filed 7/31/12, effective 8/31/12.]

WAC 388-76-10170 Background check—Confidentiality—Use restricted—Retention. The adult family home must establish and implement procedures that ensure all background authorization forms, background check results, related information, and all copies are:

(1) Kept in a confidential and secure manner;

(2) Used for employment purposes only;

(3) Not disclosed to any person except:

(a) The person about whom the home made the disclosure or background check;

(b) Licensed facilities, an employer of an authorized program, or an in-home services agency employer identified in WAC 388-76-10174;

(c) Authorized state and federal employees; and

(d) The Washington state patrol auditor.

(4) Kept for two years after the date an employee either quits or is terminated.

[Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10170, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040. WSR 09-03-030, § 388-76-10170, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10170, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10174 Background check—Disclosure of information—Sharing of background information by health care facilities. In accordance with RCW 43.43.832 a health care facility may share Washington state background check results with other health care facilities under certain circumstances. Results of the national fingerprint-based background check may not be shared. For the purposes of this section health care facility means a nursing home licensed under chapter 18.51 RCW, an assisted living facility licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

(1) A health care facility may, upon request from another health care facility, share completed Washington state background check results only if:

(a) The health care facility sharing the background check information is reasonably known to be the person's most recent employer;

(b) No more than twelve months has elapsed between the date the person was last employed at a licensed health care facility and the date of the person's current employment application; and

(c) The background check is no more than two years old.

(d) The adult family home has no reason to believe the individual has a disqualifying criminal conviction or pending charge for a disqualifying crime under chapter 388-113 WAC, or a negative action listed in WAC 388-76-10180.

(2) If background check information is shared, the health care facility employing the subject of the check must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in WAC 388-76-10180 since the completion date of the most recent background check.

(3) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying criminal conviction or pending charge for a disqualifying crime under chapter 388-113 WAC, or negative action listed in WAC 388-76-10180, after the completion date of their most recent background check:

(a) Cannot rely on the applicant's previous employer's background check information; and

(b) Must request a new background check as required by this chapter.

(4) Health care facilities that share background check information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this section.

(5) Health care facilities must send and receive the background check information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(6) In accordance with RCW 74.39A.210, a home that discloses information about a former or current employee to certain types of prospective employers is presumed to act in good faith and is immune from civil and criminal liability for such disclosure or its consequences.

[Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10174, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10174, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040. WSR 09-03-030, § 388-76-10174, filed 1/12/09, effective 2/12/09.]

WAC 388-76-10175 Background checks—Employment—Conditional hire—Pending results of Washington state name and date of birth background check. An adult family home may conditionally employ a person directly or by contract, pending the result of a Washington state name and date of birth background check, provided the home:

(1) Submits the Washington state name and date of birth background check no later than one working day after conditional employment;

(2) Requires the individual to sign a disclosure statement and the individual denies having a disqualifying criminal conviction or pending charge for a disqualifying crime under chapter 388-113 WAC, or a negative action that is listed in WAC 388-76-10180;

(3) Does not allow the individual to have unsupervised access to any resident;

(4) Ensures direct supervision, as defined in WAC 388-76-10000, of the individual; and

(5) Ensures the individual is competent and receives the necessary training to perform assigned tasks and meets the staff training requirements under chapter 388-112A WAC.

[Statutory Authority: RCW 70.128.040 and 70.128.066. WSR 23-12-075, § 388-76-10175, filed 6/6/23, effective 8/1/23. Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10175, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10175, filed 7/31/12, effective 8/31/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10175, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10175, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10176 Background checks—Employment—Provisional hire—Pending results of national fingerprint background check. The adult family home may provisionally employ individuals hired after January 7, 2012 and listed in WAC 388-76-10161(2) for one hundred twenty-days and allow those individuals to have unsupervised access to residents when:

(1) The individual is not disqualified based on the results of the Washington state name and date of birth background check; and

(2) The results of the national fingerprint background check are pending.

[Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10176, filed 7/31/12, effective 8/31/12.]

WAC 388-76-10180 Background checks—Employment—Disqualifying information. [Disqualifying negative actions.] (1) The adult family home must not employ, directly or by contract, a caregiver, entity representative, or resident manager if:

(a) The caregiver, entity representative or resident manager will have unsupervised access to vulnerable adults, as defined in RCW 43.43.830; and either:

(b) The caregiver, entity representative or resident manager has a disqualifying criminal conviction or pending charge for a disqualifying crime under chapter 388-113 WAC; or

(c) The caregiver, entity representative, or resident manager has one or more of the following negative actions:

(i) A court has issued a permanent restraining order or order of protection, either active or expired, against the person that was based upon abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult;

(ii) The individual is a registered sex offender;

(iii) The individual is on a registry based upon a final finding of abuse, neglect or financial exploitation of a vulnerable adult, unless the finding was made by adult protective services prior to October 2003;

(iv) A founded finding of abuse or neglect of a child was made against the person, unless the finding was made by child protective services prior to October 1, 1998;

(v) The individual was found in any dependency action to have sexually assaulted or exploited any child or to have physically abused any child;

(vi) The individual was found by a court in a domestic relations proceeding under Title 26 RCW, or under any comparable state or federal law, to have sexually abused or exploited any child or to have physically abused any child;

(vii) The person has had a contract or license denied, terminated, revoked, or suspended due to abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult; or

(viii) The person has relinquished a license or terminated a contract because an agency was taking an action against the individual related to alleged abuse, neglect, financial exploitation or mistreatment of a child or vulnerable adult.

[Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10180, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10180, filed 7/31/12, effective 8/31/12. Statutory Authority: RCW 70.128.040, chapter 74.39A RCW. WSR 10-16-082, § 388-76-10180, filed 7/30/10, effective 1/1/11. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10180, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10180, filed 10/16/07, effective 1/1/08.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 388-76-10181 Background checks—Employment—Nondisqualifying information. (1) If any background check results show that an employee or prospective employee has a criminal conviction or pending charge for a crime that is not disqualifying under chapter 388-113 WAC, then the adult family home must:

(a) Determine whether the person has the character, competence and suitability to work with vulnerable adults in long-term care; and

(b) Document in writing the basis for making the decision, and make it available to the department upon request.

(2) Nothing in this section should be interpreted as requiring the employment of any person against the better judgment of the adult family home.

[Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10181, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10181, filed 7/31/12, effective 8/31/12.]

ADMINISTRATION GENERAL

WAC 388-76-10191 Liability insurance required. The adult family home must:

(1) Obtain and maintain both:

(a) Commercial general liability insurance or business liability insurance covering the adult family home; and

(b) Professional liability insurance or errors and omissions insurance covering the adult family home.

(2) Obtain the liability insurance required in subsection (1) of this section before whichever of the following events happens first:

(a) Admitting the first resident after issuance of a new adult family home license; or

(b) 10 working days have passed since the issuance of the license.

(3) Have evidence of liability insurance coverage available if requested by the department.

(4) Notify the department's complaint resolution unit if there is any lapse in required liability insurance coverage.

[Statutory Authority: RCW 70.128.040 and 70.128.066. WSR 23-12-075, § 388-76-10191, filed 6/6/23, effective 8/1/23. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10191, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10192 Liability insurance required—Coverage requirements. (1) The liability insurance coverage required under WAC 388-76-10191 must include:

(a) Losses or allegations or both caused by errors and omissions of the adult family home or its employees or volunteers;

(b) Coverage for bodily injury, property damage, and contractual liability; and

(c) Coverage for premises, operations, products-completed operations, personal injury, advertising injury, and liability assumed under an insured contract.

(2) Each of the required liability insurance policies must cover a minimum limit of:

(a) Each occurrence at $500,000; and

(b) General aggregate at $1,000,000.

(3) The liability insurance policies must indemnify, hold harmless, and provide insurance coverage for the State of Washington, the department, its elected and appointed officials, agents, and employees of the state for any and all claims, losses, liability, damages, or fines arising out of the acts or omissions of the adult family home licensee, its staff, contractors, and residents. The State of Washington, the department, its elected and appointed officials, agents, and employees must be listed as additional insureds on all insurance policies relating to the operation or premises of the adult family home.

(4) If the home serves residents whose care is paid for by medicaid, the medicaid contract may require a higher minimum insurance limit.

[Statutory Authority: RCW 70.128.040 and 70.128.066. WSR 23-12-075, § 388-76-10192, filed 6/6/23, effective 8/1/23. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10192, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10195 Adult family home—Staff—Generally. The adult family home must ensure:

(1) When one or more residents are in the home, enough staff are available in the home to meet the needs of each resident, except as provided in WAC 388-76-10200;

(2) Staff are readily available to meet resident needs if the home takes the resident out to another location and the resident negotiated care plan does not indicate it is safe for the resident to be left unattended for a specific time period; and

(3) All staff are skilled and able to do the tasks assigned to meet the needs of each resident.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10195, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10195, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10198 Adult family home—Personnel records. The adult family home must keep documents related to staff in a place readily accessible to authorized department staff. These documents must be available during the staff's employment, and for at least two years following employment. The documents must include but are not limited to:

(1) Staff information such as address and contact information.

(2) Staff orientation and training records pertinent to duties, including, but not limited to:

(a) Training required by chapter 388-112A WAC, including as appropriate for each staff person, orientation, basic training or modified basic training, specialty training, nurse delegation core training, and continuing education;

(b) Cardiopulmonary resuscitation;

(c) First aid; and

(d) HIV/AIDS training.

(3) Tuberculosis testing results.

(4) Criminal history disclosure and background check results as required.

[Statutory Authority: Chapter 70.128 RCW. WSR 18-20-015, § 388-76-10198, filed 9/21/18, effective 10/22/18. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10198, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10200 Adult family home—Staff—Availability—Contact information. In addition to other licensing requirements for staff availability, the adult family home must:

(1) Ensure at least one qualified caregiver is present in the home whenever one or more residents are present in the home, except as provided in subsection (2). For purpose of this subsection, a qualified caregiver means someone who has completed orientation and basic training as required by chapter 388-112A WAC;

(2) Ensure that before the adult family home leaves a resident unattended:

(a) That the adult family home determines that the resident can be left unattended safely, based upon an assessment that identifies the resident's strengths and needs;

(b) The resident knows what to do in an emergency and is able to successfully act on that knowledge; such as leaving the home or calling 911, when necessary;

(c) The adult family home individualizes each resident's negotiated care plan to the resident's identified strengths and needs and includes a limited and specific amount of time the resident is safe to be left unattended;

(d) The resident consents to the plan to be left unattended; and

(e) The resident is able to contact a responsible staff person at all times.

(3) Designate an experienced, staff member who is capable of responding on behalf of the adult family home by phone or pager at all times.

(4) Give residents the telephone or pager number for the contact required in subsection (2) of this section;

(5) Ensure the provider, entity representative or resident manager is readily available to:

(a) Each resident;

(b) Residents' representatives;

(c) Caregivers; and

(d) Authorized state staff.

[Statutory Authority: Chapter 70.128 RCW. WSR 18-20-015, § 388-76-10200, filed 9/21/18, effective 10/22/18. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10200, filed 7/31/12, effective 8/31/12; WSR 10-04-008, § 388-76-10200, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10200, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10201 Succession plan. (1) The adult family home must have a written plan addressing how they will continue to meet the requirements of this chapter and provide care and services to residents in the event that the provider or entity representative is unable to fulfill their duties in the home and make it available upon request of the department.

(2) If an emergency or other exceptional circumstance requires a change of ownership due to the inability of a provider to continue to operate the home, an applicant who meets the qualifications to be a provider may apply for a provisional license that would allow the home to continue to operate. The applicant must also apply for a change of ownership at the same time. The department will have the discretion to determine if the circumstances warrant a provisional license.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10201, filed 2/6/20, effective 3/8/20.]

WAC 388-76-10205 Medicaid or state funded residents. When the adult family home accepts medicaid or state funded residents, the home must follow the terms and conditions of the department contract and chapter 388-105 WAC.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10205, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10210 Resident relocation due to closure. When an adult family home chooses to voluntarily close, the home must:

(1) Notify the following in writing of the closure at least thirty days before the home closes:

(a) The department;

(b) Each resident; and

(c) Each resident's representative.

(2) Develop, organize, and carry out a discharge plan that meets the needs of each resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10210, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10215 Resident funds—Protection, liquidation or transfer. (1) The adult family home must meet the requirements of RCW 70.129.040 to protect any funds the resident may have deposited with the adult family home.

(2) If a deceased resident had some of his or her adult family home care paid for by the department, then the home must:

(a) Send the final accounting and funds payable to:

Secretary, Department of Social and Health Services
Office of Financial Recovery
Estate Recovery Unit

(b) Include with the final accounting required in subsection (2)(a) of this section:

(i) The deceased resident's name; and

(ii) The deceased resident's Social Security number.

(3) When a resident is missing from the home, in addition to other licensing requirements, the home must make a reasonable effort to find the missing resident before transferring resident funds to the department of revenue as per subsection (4) of this section.

(4) The adult family home must notify the department of revenue of abandoned property when:

(a) A resident is missing from the home for more than ninety days; and

(b) The missing resident:

(i) Gave money to the home to manage or for safekeeping;

(ii) Does not have a legal guardian;

(iii) Did not appoint a power of attorney to handle his or her financial affairs;

(iv) Did not name a family member to act on the resident's behalf; and

(v) Did not have his or her care paid for by the department.

(5) The home must send any money received from the missing resident, to the department of revenue:

(a) According to chapter 63.29 RCW;

(b) Within twenty days of notifying the department of revenue per subsection (2) of this section.

(6) Before the adult family home changes its owner, the home must:

(a) Give each resident a written statement that accounts for any personal funds held by the home;

(b) Give the prospective adult family home owner a written statement that accounts for all of the residents' funds that home will transfer to the new adult family home owner; and

(c) Get a written receipt of the transferred residents' funds from the new adult family home owner.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10215, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10220 Incident log. The adult family home must keep a log of:

(1) Alleged or suspected instances of abandonment, neglect, abuse or financial exploitation;

(2) Accidents or incidents affecting a resident's welfare; and

(3) Any injury to a resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10220, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10221 Resident roster—Requirements. (1) The adult family home must create, maintain, and regularly update a resident roster. The roster must include:

(a) The list of current resident names; and

(b) Room identifier assigned to each resident.

(2) The adult family home will provide a written copy immediately upon an in-person request from any long-term care ombud or department staff.

(3) The adult family home must comply with RCW 70.128.155(1), and all related statutory requirements.

[Statutory Authority: RCW 18.20.090, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 25-16-099, s 388-76-10221, filed 8/6/25, effective 9/6/25.]

WAC 388-76-10225 Reporting requirement. (1) The adult family home must ensure all staff:

(a) Report suspected abuse, neglect, exploitation, or abandonment of a resident:

(i) As required by chapter 74.34 RCW;

(ii) To the department by calling the complaint toll-free hotline number or completing an online report; and

(iii) To the local law enforcement agency when required by RCW 74.34.035.

(b) Report the following to the department by calling the complaint toll-free hotline number or completing an online report:

(i) Any actual or potential event requiring any resident to be evacuated;

(ii) Conditions that threaten the provider's or entity representative's ability to continue to provide care or services to each resident; and

(iii) A missing resident.

(2) When there is a significant change in a resident's condition, or a serious injury, trauma, or death of a resident, the adult family home must immediately notify:

(a) The resident's family;

(b) The resident's representative, if one exists;

(c) The resident's health care provider;

(d) Other appropriate professionals working with the resident;

(e) Persons identified in the negotiated care plan; and

(f) The resident's case manager if the resident is a department client.

(3) Whenever an outbreak of suspected food poisoning or communicable disease occurs, the adult family home must notify:

(a) The local public health officer; and

(b) The department's complaint toll-free hotline number or online reporting system.

(4) The adult family home must notify the department's case management office within 24 hours whenever a resident, whose stay is paid for by the department is discharged for more than 24 hours on medical leave to a nursing home or hospital.

(5) The adult family home licensed for seven or eight beds that does not have an automatic fire sprinkler system must notify the department's complaint toll-free hotline number or complete an online report when any resident in the home requires assistance with evacuation as defined in WAC 388-76-10870.

[Statutory Authority: RCW 70.128.040 and 70.128.066. WSR 25-04-035, s 388-76-10225, filed 1/28/25, effective 3/4/25. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10225, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10225, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10230 Pets. The adult family home must ensure any animal visiting or living on the premises:

(1) Does not compromise any resident rights, preferences or medical needs;

(2) Has a suitable temperament, is clean and healthy, and otherwise poses no significant health or safety risks to any resident, staff, or visitors; and

(3) Has proof of up-to-date rabies vaccinations.

[Statutory Authority: RCW 70.128.040. WSR 09-03-029, § 388-76-10230, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10230, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10231 Resident roster and complete contact information. (1) The adult family home must:

(a) Create and regularly maintain a current resident roster containing the name and room number of each resident; and

(b) Provide a written copy of the resident roster upon an in-person request from any long-term care ombuds at the time of the visit and not later than the conclusion of the visit.

(2) The adult family home must:

(a) Create and regularly maintain current, accurate, and complete contact information for all residents, including the following resident information:

(i) Name;

(ii) Room number or room identifier, including letter and number combination identifiers;

(iii) Phone number, if available;

(iv) Email address, if available; and

(v) If a resident has a representative, the representative's:

(A) Name;

(B) Relationship to the resident;

(C) Phone number;

(D) Email address, if available; and

(E) Mailing address, if available.

(b) Record and update the complete contact information required by this section upon receiving new or updated contact information from the resident or resident representative;

(c) Upon the written request of any long-term care ombuds that includes reference to RCW 70.128.155 and the relevant legal functions and duties of long-term care ombuds, provide a copy of the complete contact information required by RCW 70.128.155 within 48 hours, or within a reasonable time if agreed to by the requesting long-term care ombuds, by electronic copy to the secure email address or facsimile (fax) number provided in the written request.

[Statutory Authority: RCW 18.20.090, 18.51.070, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 26-05-046, s 388-76-10231, filed 2/12/26, effective 3/15/26.]

HEALTH CARE DECISION MAKING

WAC 388-76-10235 Guardianship. (1) Effective February 1, 2009, the adult family home must ensure that no provider, entity representative, resident manager, or staff becomes any resident's guardian.

(2) Provider, entity representative, resident manager or staff who is a resident's guardian before February 1, 2009 may continue to be that resident's guardian.

[Statutory Authority: RCW 70.128.040. WSR 09-03-029, § 388-76-10235, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10235, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10240 Durable power of attorney for health care or financial decisions. The adult family home must not allow a provider, entity representative, owner, administrator, or employees of the home to act as a resident's attorney in fact, according to chapter 11.94 RCW, unless the provider, entity representative, owner, administrator, or employee is the resident's:

(1) Spouse;

(2) Adult child; or

(3) Brother or sister.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10240, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10245 Resident self-determination—Health care decision making. The adult family home must provide care and services consistent with the federal patient self-determination act and other statutes related to a resident legal representative and health care decision making, including but not limited to:

(1) Chapter 7.70 RCW;
(2) Chapter 70.122 RCW;
(3) Chapter 11.88 RCW;
(4) Chapter 11.92 RCW; and
(5) Chapter 11.94 RCW.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10245, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10250 Medical emergencies—Contacting emergency medical services—Required. (1) The adult family home must develop and implement policies and procedures which require immediate contact of the local emergency medical services when a resident has a medical emergency. This requirement applies:

(a) Unless the caregiver, present at the time of the emergency, is a licensed physician or registered nurse acting within his or her scope of practice;

(b) Whether or not:

(i) Any order exists directing medical care for the resident;

(ii) The resident has provided an advance directive for medical care; or

(iii) The resident has expressed any wishes involving medical care.

(2) If available, the home must immediately give arriving emergency medical services personnel a copy of:

(a) Any order that exists directing medical care for the resident; and

(b) The resident's advance directive for medical care.

(3) The home must inform the resident of the requirements in this section.

(4) The home is not required to contact emergency medical services when a resident is receiving hospice care by a licensed hospice agency and the:

(a) Emergency relates to the expected hospice death; and
(b) Situation is monitored by the hospice agency.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10250, filed 10/16/07, effective 1/1/08.]

INFECTION CONTROL AND COMMUNICABLE DISEASE

WAC 388-76-10255 Infection control. The adult family home must develop and implement an infection control system that:

(1) Uses nationally recognized infection control standards;

(2) Emphasizes frequent hand washing and other means of limiting the spread of infection;

(3) Follows the requirements of chapter 49.17 RCW, Washington Industrial Safety and Health Act to protect the health and safety of each resident and employees; and

(4) Directs all staff to:

(a) Dispose of razor blades, syringes, and other sharp items in a manner that will not risk the health and safety of residents, staff, other persons residing in the home or the public; and

(b) Use all disposable and single-service supplies and equipment only one time as specified by the manufacturer.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10255, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10260 Communicable disease—Preventing spread. If the adult family home suspects anyone working or living in the home has or may have a communicable disease, the home must implement nationally recognized infection control measures.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10260, filed 10/16/07, effective 1/1/08.]

TUBERCULOSIS SCREENING

WAC 388-76-10265 Tuberculosis—Testing—Required. (1) The adult family home must develop and implement a system to ensure the following persons have tuberculosis testing within three days of employment:

(a) Provider;

(b) Entity representative;

(c) Resident manager;

(d) Caregiver;

(e) Staff; and

(f) Any student or volunteer providing any resident care and services.

(2) For the purposes of the tuberculosis sections "person" means the people listed in this section as required to have tuberculosis testing.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10265, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10270 Tuberculosis—Testing method—Required. The adult family home must ensure that all tuberculosis testing is done through either:

(1) Intradermal (Mantoux) administration with test results read:

(a) Within forty-eight to seventy-two hours of the test; and

(b) By a trained professional; or

(2) A blood test for tuberculosis called interferon-gamma release assay (IGRA).

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10270, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10270, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10275 Tuberculosis—No testing. The adult family home is not required to have a person tested for tuberculosis if the person has:

(1) A documented history of a previous positive skin test, with ten or more millimeters induration;

(2) A documented history of a previous positive blood test; or

(3) Documented evidence of:

(a) Adequate therapy for active disease; or

(b) Completion of treatment for latent tuberculosis infection preventive therapy.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10275, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10275, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10280 Tuberculosis—One test. The adult family home is only required to have a person take one test if the person has any of the following:

(1) A documented history of a negative result from a previous two step test done no more than one to three weeks apart; or

(2) A documented negative result from one skin or blood test in the previous twelve months.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10280, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10280, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10285 Tuberculosis—Two step skin testing. Unless the person meets the requirement for having no skin testing or only one test, the adult family home, choosing to do skin testing, must ensure that each person has the following two-step skin testing:

(1) An initial skin test within three days of employment; and

(2) A second test done one to three weeks after the first test.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10285, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10285, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10290 Tuberculosis—Positive test result. When there is a positive result to tuberculosis skin or blood testing the adult family home must:

(1) Ensure that the person has a chest X-ray within seven days;

(2) Ensure each resident or employee with a positive test result is evaluated for signs and symptoms of tuberculosis; and

(3) Follow the recommendation of the person's health care provider.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10290, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10290, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10295 Tuberculosis—Negative test result. The adult family home may be required by the public health provider or licensing authority to ensure that persons with negative test results have follow-up testing in certain circumstances, such as:

(1) After exposure to active tuberculosis;

(2) When tuberculosis symptoms are present; or

(3) For periodic testing as determined by the health provider.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10295, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10295, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10300 Tuberculosis—Declining a skin test. The adult family home must ensure that a person take the blood test for tuberculosis if they decline the skin test.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10300, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10300, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10305 Tuberculosis—Reporting required. The adult family home must:

(1) Report any person or resident with tuberculosis symptoms or a positive chest X-ray to the appropriate health care provider or public health provider;

(2) Follow the infection control and safety measures ordered by the person's health care provider, including a public health provider; and

(3) Institute appropriate infection control measures.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10305, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10305, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10310 Tuberculosis—Test records. The adult family home must:

(1) Keep the records of tuberculin test results, reports of X-ray findings, and any physician or public health provider orders in the adult family home;

(2) Make the records readily available to the appropriate health authority and licensing agency;

(3) Provide the employee a copy of his/her testing results; and

(4) Retain the records for eighteen months after the date an employee either quits or is terminated.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10310, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10310, filed 10/16/07, effective 1/1/08.]

RESIDENT RECORDS

WAC 388-76-10315 Resident record—Required. The adult family home must:

(1) Create, maintain, and keep records for residents in the home where the resident lives and ensure that the records:

(a) Contain enough information so the home can provide the needed care and services to each resident;

(b) Be in a format useful to the home;

(c) Be kept confidential so that only authorized persons see their contents;

(d) Are only released to the following persons:

(i) A health care institution;

(ii) When requested by the law;

(iii) To department representatives; and

(iv) To the resident;

(e) Be protected to prevent loss, alteration, or destruction, and unauthorized use;

(f) Be kept for three years after the resident leaves the home or death of the resident;

(g) Be available so that department staff may review them when requested; and

(h) Provide access to the resident to review their record and obtain copies of their record at a reasonable cost.

(2) Ensure staff has access to the parts of residents' records needed by staff to provide care and services; and

(3) Allow representatives of the long-term care ombuds access to a resident's records in accordance with RCW 70.129.090.

[Statutory Authority: RCW 70.128.040, 70.128.065, and 45 C.F.R. § 1324.11 (e)(2). WSR 26-17-004, s 388-76-10315, filed 8/5/26, effective 9/20/26. Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10315, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10315, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10320 Resident record—Content. The adult family home must ensure that each resident record contains, at a minimum, the following information:

(1) Identifying information about the resident, including, but not limited to:

(a) Name;

(b) Bedroom they reside in;
(c) Telephone number, if available; and
(d) Email address, if available.
(2) The name, address, and telephone number of the resident's:
(a) Representative and the representative's;
(i) Relationship to the resident; and
(ii) Email address, if available.
(b) Health care providers;
(c) Significant family members identified by the resident; and
(d) Other individuals the resident wants involved or notified.
(3) Current medical history;
(4) The resident assessment information;
(5) The preliminary service plan;
(6) The negotiated care plan;
(7) List of resident medications;
(8) A copy of:
(a) The notice of rights and services required by this chapter; and
(b) The acknowledgement required by this chapter that the resident received a copy of the notice, signed and dated by:
(i) The resident; and
(ii) The home;
(9) When the resident was:
(a) Admitted to the home;
(b) Absent from the home; and
(c) Discharged from the home.
(10) A current inventory of the resident's personal belongings dated and signed by:
(a) The resident; and
(b) The adult family home.
(11) Financial records.
(12) The residency agreement for residents with medicaid as a payor.

[Statutory Authority: RCW 70.128.040, 70.128.065, and 45 C.F.R. § 1324.11 (e)(2). WSR 26-17-004, s 388-76-10320, filed 8/5/26, effective 9/20/26. Statutory Authority: RCW 18.20.090, 18.51.070, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 26-05-046, s 388-76-10320, filed 2/12/26, effective 3/15/26. Statutory Authority: RCW 18.20.090, 70.97.230, 70.128.040, 74.09.520(2), 74.39A.007, 42 C.F.R. 441.530 (a)(1)(vi)(A), and 441.301 (c)(4)(vi)(A). WSR 25-18-037, s 388-76-10320, filed 8/25/25, effective 1/1/26. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10320, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10325 Resident record—Legal documents—If available. When available, the adult family home must obtain copies of the following legal documents for the resident's records:
(1) Any powers of attorney granted by the resident, including for health care decision making and financial; and
(2) Court order of guardianship for the resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10325, filed 10/16/07, effective 1/1/08.]

RESIDENT ASSESSMENT

WAC 388-76-10330 Resident assessment. The adult family home must:

(1) Obtain a written assessment that contains accurate information about the prospective resident's current needs and preferences before admitting a resident to the home;

(2) Not admit a resident without an assessment except in cases of a genuine emergency;

(3) Ensure the assessment contains all of the information required in WAC 388-76-10335 unless the assessor can not:

(a) Obtain an element of the required assessment information; and

(b) The assessor documents the attempt to obtain the information in the assessment.

(4) Be knowledgeable about the needs and preferences of each resident documented in the assessment.

[Statutory Authority: RCW 70.128.040. WSR 09-03-029, § 388-76-10330, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10330, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10335 Resident assessment topics. The adult family home must ensure that each resident's assessment includes the following minimum information:

(1) Recent medical history;

(2) Current prescribed medications, and contraindicated medications, including but not limited to, medications known to cause adverse reactions or allergies;

(3) Medical diagnosis reported by the resident, the resident representative, family member, or by a licensed medical professional;

(4) Medication management:

(a) The ability of the resident to be independent in managing medications;

(b) The amount of medication assistance needed;

(c) If medication administration is required; or

(d) If a combination of the elements in (a) through (c) above is required.

(5) Food allergies or sensitivities;

(6) Significant known behaviors or symptoms that may cause concern or require special care, including:

(a) The need for and use of medical devices;

(b) The refusal of care or treatment; and

(c) Any mood or behavior symptoms that the resident has had within the last five years.

(7) Cognitive status, including an evaluation of disorientation, memory impairment, and impaired judgment;

(8) History of depression and anxiety;

(9) History of mental illness, if applicable;

(10) Social, physical, and emotional strengths and needs;

(11) Functional abilities in relationship to activities of daily living including:

(a) Eating;

(b) Toileting;
(c) Walking;
(d) Transferring;
(e) Positioning;
(f) Personal hygiene;
(g) Dressing; and
(h) Bathing.

(12) Preferences and choices about daily life that are important to the resident, including but not limited to:
(a) The food that the resident enjoys;
(b) Meal times; and
(c) Sleeping and nap times.

(13) Activities.

[Statutory Authority: RCW 70.128.040. WSR 09-03-030, § 388-76-10335, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10335, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10340 Preliminary service plan. The adult family home must ensure that each resident has a preliminary service plan that includes:

(1) The resident's specific problems and needs identified in the assessment;

(2) The needs for which the resident chooses not to accept or refuses care or services;

(3) What the home will do to ensure the resident's health and safety related to the refusal of any care or service;

(4) Resident defined goals and preferences; and

(5) How the home will meet the resident's needs.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10340, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10345 Assessment—Qualified assessor—Required. The adult family home must ensure the person performing resident assessments is:

(1) A qualified assessor; or

(2) For a resident who receives care and services paid for by the department, an authorized department case manager.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10345, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10350 Assessment—Updates required. (1) The department amended portions of this rule from January 18, 2022, through June 8, 2023, in response to the state of emergency related to the COVID-19 pandemic. For requirements in place during that time, see WAC 388-76-10351.

(2) The adult family home must ensure each resident's assessment is reviewed and updated to document the resident's ongoing needs and preferences as follows:

(a) When there is a significant change in the resident's physical or mental condition;

(b) When the resident's negotiated care plan no longer reflects the resident's current status, needs, and preferences;

(c) At the resident's request or at the request of the resident's representative; or

(d) At least every 12 months.

[Statutory Authority: Chapter 18.51 RCW. WSR 23-14-029, § 388-76-10350, filed 6/26/23, effective 7/27/23. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10350, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10351 Assessment—Updates required—Requirements in effect from January 18, 2022, through June 8, 2023, in response to the state of emergency related to COVID-19. (1) In response to the state of emergency related to the COVID-19 pandemic, the department adopted emergency rules under RCW 34.05.320 on January 18, 2022, to amend a portion of WAC 388-76-10350. The emergency rules remained in effect until June 8, 2023. The amended rules in place at that time were:

(2) The adult family home must ensure each resident's assessment is reviewed and updated to document the resident's ongoing needs and preferences as follows:

(a) When there is a significant change in the resident's physical or mental condition;

(b) When the resident's negotiated care plan no longer reflects the resident's current status, needs, and preferences;

(c) At the resident's request or at the request of the resident's representative; or

(d) At least every 12 months, except beginning January 18, 2022, assessments for residents whose care is state funded may be extended an additional 12 months during the COVID-19 public health emergency.

[Statutory Authority: Chapter 18.51 RCW. WSR 23-14-029, § 388-76-10351, filed 6/26/23, effective 7/27/23.]

NEGOTIATED CARE PLAN

WAC 388-76-10355 Negotiated care plan. The adult family home must use the resident assessment and preliminary care plan to develop a written negotiated care plan. The home must ensure each resident's negotiated care plan includes:

(1) A list of the care and services to be provided;

(2) Identification of who will provide the care and services;

(3) When and how the care and services will be provided;

(4) How medications will be managed, including how the resident will get their medications when the resident is not in the home;

(5) The resident's activities preferences and how the preferences will be met;

(6) Other preferences and choices about issues important to the resident, including, but not limited to:

(a) Food;

(b) Daily routine;

(c) Grooming; and

(d) How the home will accommodate the preferences and choices.

(7) If needed, a plan to:

(a) Follow in case of a foreseeable crisis due to a resident's assessed needs;

(b) Reduce tension, agitation and problem behaviors;

(c) Respond to resident's special needs, including, but not limited to medical devices and related safety plans;

(d) Respond to a resident's refusal of care or treatment, including when the resident's physician or practitioner should be notified of the refusal;

(8) Identification of any communication barriers the resident may have and how the home will use behaviors and nonverbal gestures to communicate with the resident;

(9) A statement of the ability for resident to be left unattended for a specific length of time; and

(10) A hospice care plan if the resident is receiving services for hospice care delivered by a licensed hospice agency.

[Statutory Authority: RCW 70.128.040. WSR 09-03-029, § 388-76-10355, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10355, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10360 Negotiated care plan—Timing of development—Required. The adult family home must ensure the negotiated care plan is developed and completed within thirty days of the resident's admission.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10360, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10365 Negotiated care plan—Implementation—Required. The adult family home must implement each resident's negotiated care plan.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10365, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10370 Negotiated care plan—Persons involved in development. The adult family home must involve the following people in developing the negotiated care plan:

(1) The resident, to the greatest extent he or she can participate;

(2) The resident's family, if approved by the resident;

(3) The resident's representative, if the resident has a representative;

(4) Professionals involved in the care of the resident;

(5) Other individuals the resident wants included; and

(6) The department case manager, if the resident is receiving care and services paid for by the department.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10370, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10375 Negotiated care plan—Signatures—Required. The adult family home must ensure that the negotiated care plan is agreed to and signed and dated by the:

(1) Resident; and

(2) Adult family home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10375, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10380 Negotiated care plan—Timing of reviews and revisions. The adult family home must ensure that each resident's negotiated care plan is reviewed and revised as follows:

(1) After an assessment for a significant change in the resident's physical or mental condition;

(2) When the plan, or parts of the plan, no longer address the resident's needs and preferences;

(3) At the request of the resident or the resident representative; or

(4) At least every twelve months.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10380, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10385 Negotiated care plan—Copy to department case manager—Required. When the resident's services are paid for by the department, the adult family home must give the department case manager a copy of the negotiated care plan each time the plan is completed or updated, and after it has been signed and dated.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10385, filed 10/16/07, effective 1/1/08.]

CARE AND SERVICES

WAC 388-76-10390 Admission and continuation of services. The adult family home must only admit or continue to provide services to a person when:

(1) The home can safely and appropriately meet the assessed needs and preferences of the person:

(a) With available staff; and

(b) Through reasonable accommodation.

(2) Admitting the resident does not negatively affect the ability of the home to:

(a) Meet the needs and does not endanger the safety of other residents; or

(b) Safely evacuate all people in the home during an emergency.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10390, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10395 Emergency admissions. (1) The adult family home may only admit a resident to the home without an assessment or a preliminary service plan if a true emergency exists.

(2) To establish that a true emergency exists, the home must verify that the resident's life, health or safety is at serious risk due to circumstances in the resident's current place of residence or harm to the resident has occurred.

(3) After establishing that a true emergency exists, the home must:

(a) Ensure the assessment and preliminary service plan are completed within five working days after admitting the resident, if the resident pays for services with private funds; or

(b) Obtain approval from an authorized department case manager before admission if the resident's care and services are paid by the department or health care authority; and

(c) If approval is obtained verbally, document the time, date, and name of the case manager who gave approval.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10395, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10395, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10400 Care and services. The adult family home must ensure each resident receives:

(1) The care and services identified in the negotiated care plan.

(2) The necessary care and services to help the resident reach the highest level of physical, mental, and psychosocial well-being consistent with resident choice, current functional status and potential for improvement or decline.

(3) The care and services in a manner and in an environment that:

(a) Actively supports, maintains or improves each resident's quality of life;

(b) Actively supports the safety of each resident; and

(c) Reasonably accommodates each resident's individual needs and preferences except when the accommodation endangers the health or safety of the individual or another resident.

(4) Services by the appropriate professionals based upon the resident's assessment and negotiated care plan, including nurse delegation if needed.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10400, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10401 Home and community-based setting requirements. (1) The home must ensure that the following conditions are present for each resident:

(a) Privacy in each resident's bedroom, including lockable doors when chosen, with only the resident or residents who live in the room and appropriate staff having the key;

(b) Choice of roommates;

(c) Freedom to decorate and furnish their room within the terms of the notice of rights and service agreement;

(d) Freedom and support to control their own schedule;

(e) Access to food and water at any time; and

(f) Having visitors at any time, although nothing in this section requires an adult family home to provide a visitor with food or a place to sleep.

(2) When conditions under subsection (1) of this section cannot be met, the home must ensure the following elements are in place before implementing a modification:

(a) The specific assessed need for the modification is identified in the resident's assessment and negotiated care plan;

(b) The resident's negotiated care plan documents less intrusive methods and interventions that were tried prior to the modification but did not work;

(c) The details of the modification are clearly described in the resident's assessment and negotiated care plan, including how the modification addresses the resident's specific assessed need;

(d) The modification is agreed to by the resident or the resident's legal representative; and

(e) The modification must not cause the resident harm.

(3) All modifications must be reviewed annually with the assessment and negotiated care plan, and evidence of its effectiveness or lack thereof must be documented in both.

(4) Any modification must be discontinued if there is no longer a need for it or it is no longer effective.

[Statutory Authority: RCW 70.128.040. WSR 20-03-097, § 388-76-10401, filed 1/14/20, effective 2/14/20.]

WAC 388-76-10405 Nursing care. If the adult family home identifies that a resident has a need for nursing care and the home is not able to provide the care per chapter 18.79 RCW, the home must:

(1) Contract with a nurse currently licensed in the state of Washington to provide the nursing care and service; or

(2) Hire or contract with a nurse to provide nurse delegation.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10405, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10410 Laundry services. The adult family home must:

(1) Provide laundry services as needed; and

(2) Launder sheets and pillowcases weekly or more often if soiled.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10410, filed 10/16/07, effective 1/1/08.]

FOOD SERVICES

WAC 388-76-10415 Food services. The adult family home must:

(1) Ensure that the safe food handling training requirements of chapter 388-112A WAC are met; and

(2) Serve meals:

(a) In the home where each resident lives; and

(b) That accommodate each resident's:

(i) Preferences;

(ii) Food allergies and sensitivities;

(iii) Caloric needs;

(iv) Cultural and ethnic background; and

(v) Physical condition that may make food intake difficult such as being hard for the resident to chew or swallow.

[Statutory Authority: Chapter 70.128 RCW. WSR 18-20-015, § 388-76-10415, filed 9/21/18, effective 10/22/18. Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10415, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10415, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10420 Meals and snacks. The adult family home must:

(1) Serve at least three meals:

(a) In each twenty-four hour period;

(b) At regular times comparable to normal meal times in the community; and

(c) That meet the nutritional needs of each resident.

(2) Make nutritious snacks available to residents:

(a) Between meals; and

(b) In the evening.

(3) Get input from residents in meal planning and scheduling;

(4) Serve nutrient concentrates, supplements, and modified diets only with written approval of the resident's physician;

(5) Only serve pasteurized milk;

(6) Process any home-canned foods served in the home, according to the latest guidelines of the county cooperative extension service; and

(7) Ensure food is:

(a) In sufficient supply; and

(b) Safe, sanitary, and uncontaminated.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10420, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10420, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10425 Offsite food preparation. The adult family home must ensure:

(1) Persons preparing food, at a location separate from the home, have a current food handler's permit issued by the department of health;

(2) Prepared food transported to the home is in airtight containers; and

(3) Food stays at the appropriate and safe temperature:

(a) During transportation; and

(b) When served.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10425, filed 10/16/07, effective 1/1/08.]

RESIDENT MEDICATIONS

WAC 388-76-10430 Medication system. (1) If the adult family home admits residents who need medication assistance or medication administration services by a legally authorized person, the home must have systems in place to ensure the services provided meet the medication needs of each resident and meet all laws and rules relating to medications.

(2) When providing medication assistance or medication administration for any resident, the home must ensure each resident:

(a) Assessment indicates the amount of medication assistance needed by the resident;

(b) Negotiated care plan identifies the medication service that will be provided to the resident;

(c) Medication log is kept current as required in WAC 388-76-10475;

(d) Receives medications as required.

(3) Records are kept which include a current list of prescribed and over-the-counter medications including name, dosage, frequency and the name and phone number of the practitioner as needed.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10430, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10435 Medication refusal. (1) Each resident has the right to refuse to take medications.

(2) If the adult family home is assisting with or administering a resident's medications and the resident refuses to take or does not receive a prescribed medication:

(a) The home must notify the resident's practitioner; unless

(b) The provider, entity representative, resident manager or caregiver is a nurse or other health professional, acting within their scope of practice, is able to make a judgment about the impact of the resident's refusal.

(3) If the home becomes aware that a resident who self-administers, or takes their own medications, refuses to take a prescribed medication:

(a) The home must notify the practitioner; unless

(b) The provider, entity representative, resident manager or caregiver is a nurse or other health professional, acting within their scope of practice, is able to make a judgment about the impact of the resident's refusal.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10435, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10440 Medication—Assessment—Identification of amount of assistance needed when taking medications. (1) The adult family home must:

(a) Ensure each resident assessment identifies the amount of assistance the resident needs when taking medications; and

(b) Let the practitioner know when the following may affect the resident's ability to take their medications:

(i) Resident's physical or mental limitations; and

(ii) The setting or environment where the resident lives.

(2) The amount of assistance needed by a resident when taking their medications is as follows:

(a) *Independent self-administration* is when the resident does not need help taking medications and is able to directly take medications by eating or drinking, inhaling, by shot, through the skin or other means;

(b) *Self-administration with assistance*, as described in chapter 246-888 WAC, is when a resident is assisted in taking their medication by a nonpractitioner; and

(c) *Medication administration* is when medications are administered to the resident by a person legally authorized to do so, such as but not limited to a physician, nurse or pharmacist or through nurse delegation.

(3) The home must contact the resident's practitioner who will decide if a reassessment is necessary when:

(a) The resident has a change in the health status, medications, physical or mental limitations, or environment that might change the resident's need for medication assistance; or

(b) There is a need for a resident to have more than one type of medication assistance.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10440, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10445 Medication—Independent—Self-administration. The adult family home must ensure residents who have medication assistance assessed as independent self-administration:

(1) Administer their own medications; and

(2) Are allowed to keep their prescribed and over-the-counter medications securely locked in either their room or another agreed upon area if documented in the resident negotiated care plan.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10445, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10450 Medication—Self-administration with assistance. (1) For the purposes of this section "enabler" means a physical device used to facilitate a resident's self-administration of a prescribed or over-the-counter medication. Physical devices include, but are not limited to a medicine cup, glass, cup, spoons, bowl, prefilled syringes, syringes used to measure oral liquids, specially adapted table surfaces, drinking straw, piece of cloth, and the resident's hand.

(2) The adult family home must ensure that the resident can:

(a) Put the medication into their own mouth; or

(b) Apply, inject, or instill the medications.

(3) The home must:

(a) Provide set-up assistance just before the resident takes or applies the medication; or

(b) Only give oral medications through a gastrostomy or "g-tube" when ordered by the practitioner; and

(c) Ensure the resident is aware they are taking a medication, however the resident does not have to name the medication, effects or side effects.

(4) Self-administration with assistance:

(a) Does not include shots or intravenous medications as defined in WAC 246-888-020, except for a prefilled insulin syringe;

(b) May include steadying or guiding a resident's hand while applying or instilling medications such as ointments, eye, ear and nasal preparations, but does not include the practice of "hand-over-hand" (total physical assistance) administration;

(c) May include transferring the medications from one container to another to make a single dose such as pouring a liquid from the medication container to a calibrated spoon or measuring cup;

(d) May include reminding or coaching the resident to take their medication;

(e) Does not include direct assistance with intravenous and injectable medications except the home may carry a prefilled insulin syringe which the resident can administer;

(f) May include using an enabler; and

(g) Could include delivering a prefilled insulin syringe to the resident if the resident independently self-administers the injection per WAC 246-888-020.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10450, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10455 Medication—Administration. For residents assessed with requiring the administration of medications, the adult family home must ensure medication administration is:

(1) Performed by a practitioner as defined in chapter 69.41 RCW; or

(2) By nurse delegation per WAC 246-840-910 through 246-840-970; unless

(3) Done by a family member or legally appointed resident representative.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10455, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10455, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10460 Medication—Negotiated care plan. The adult family home must ensure that each resident's negotiated care plan addresses:

(1) The amount of medication assistance needed by each resident, including but not limited to:

(a) The reasons why a resident needs that amount of medication assistance; and

(b) When there is a need for the resident to have more than one type of medication assistance.

(2) How the resident will get their medications when the resident is away from the home or when a family member or resident representative is assisting with medications is not available.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10460, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10463 Medication—Psychopharmacologic. For residents who are given psychopharmacologic medications, the adult family home must ensure:

(1) The resident assessment indicates that a psychopharmacologic medication is necessary to treat the resident's medical symptoms;

(2) The drug is prescribed by a physician or health care professional with prescriptive authority;

(3) The resident's negotiated care plan includes strategies and modifications of the environment and staff behavior to address the symptoms for which the medication is prescribed;

(4) Changes in medication only occur when the prescriber decides it is medically necessary; and

(5) The resident or resident representative is aware the resident is taking the psychopharmacologic medication and its purpose.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10463, filed 10/4/16, effective 11/4/16; WSR 16-06-004, § 388-76-10463, filed 2/17/16, effective 4/1/16.]

WAC 388-76-10465 Medication—Altering—Requirements. (1) For the purposes of this section "altering a medication" means the alteration of prescribed or over the counter medications and includes, but is not limited to crushing tablets, cutting tablets in half; opening capsules and mixing powdered medications with food or liquids.

(2) The adult family home must consult with the practitioner or pharmacist before altering a medication and if the practitioner or pharmacist agrees with altering a medication, record the:

(a) Time;

(b) Date; and

(c) Name of the person who provided the consultation.

(3) The home must ensure the resident is aware that a medication is:

(a) Altered; and/or

(b) Put in the resident's food or drink.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10465, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10470 Medication—Timing—Special directions. (1) The adult family home must ensure medications are given:

(a) At the specific time(s) ordered by the practitioner; and

(b) As follows, when the practitioner does not order a medication to be given at a specific time:

(i) One time per day, approximately every twenty four hours;

(ii) Two times a day, approximately twelve hours apart;
(iii) Three times a day, approximately six hours apart; and
(iv) Four times a day, approximately four hours apart.
(2) The home must ensure all directions given by the practitioner are followed when assisting or giving each resident medication. This includes but is not limited to:
(a) Before meals;
(b) After meals;
(c) With or without food; and
(d) At bed time.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10470, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10475 Medication—Log. The adult family home must:
(1) Keep an up-to-date daily medication log for each resident except for residents assessed as medication independent with self-administration.
(2) Include in each medication log the:
(a) Name of the resident;
(b) Name of all prescribed and over-the-counter medications;
(c) Dosage of the medication;
(d) Frequency which the medications are taken; and
(e) Approximate time the resident must take each medication.
(3) Ensure the medication log includes:
(a) Initials of the staff who assisted or gave each resident medication(s);
(b) If the medication was refused and the reason for the refusal; and
(c) Documentation of any changes or new prescribed medications including:
(i) The change;
(ii) The date of the change;
(iii) A logged call requesting written verification of the change; and
(iv) A copy of written verification of the change from the practitioner received by the home by mail, facsimile, or other electronic means, or on new original labeled container from the pharmacy.
(4) Ensure that the changed or new medication is received from the pharmacy.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10475, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10480 Medication organizers. The adult family home must ensure:
(1) A licensed nurse, pharmacist, the resident or the resident's family member fills a resident's medication organizer;
(2) Prescribed and over-the-counter medications placed in a medication organizer come from the original container labeled for the resident by the pharmacist or pharmacy service;
(3) Each resident and anyone giving care to a resident can readily identify medications in the medication organizer;
(4) Medication organizer labels clearly show the following:

(a) The name of the resident;
(b) A list of all prescribed and over-the-counter medications;
(c) The dosage of each medication;
(d) The frequency which the medications are given.
(5) The person filling the medication organizer updates the labels on the medication organizer when the practitioner changes a medication.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10480, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10485 Medication storage. The adult family home must ensure all prescribed and over-the-counter medications are stored:
(1) In locked storage;
(2) In the original container with legible and original labels; and
(3) Appropriately for each medication, such as if refrigeration is required for a medication and the medication is kept in refrigerator in locked storage.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10485, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10490 Medication disposal—Written policy—Required. (1) For the purposes of this section, "discontinued" means medication that is no longer prescribed or being used to treat a condition, as directed by the resident's physician or health care professional with prescriptive authority.
(2) The adult family home must develop and implement a written policy addressing the safe disposal of resident medications that have been discontinued, have expired, or were refused by the resident. The policy must:
(a) Comply with all federal and state laws and regulations regarding medication disposal;
(b) Address the safe disposal of medications for current residents, deceased residents, and residents who have discharged from the facility; and
(i) For current residents the facility must safely dispose of discontinued medications, expired medications, and refused medications within 30 calendar days of discontinuation, expiration, or resident refusal;
(ii) For deceased residents the facility must safely dispose of all medications within 30 calendar days of the resident's death; and
(iii) For discharged residents the facility must:
(A) Assist with the transfer of the resident's medications to the resident's new setting, when needed;
(B) End fulfillment, delivery, and receipt of prescription medications within 10 calendar days; and
(C) Safely dispose of any medications left at the adult family home after 90 calendar days.
(c) Require that the safe disposal of the medication is recorded in a document that includes:
(i) Name of resident;
(ii) Name of medication;

(iii) Amount of medication;
(iv) Date of disposal or transfer; and
(v) Name of individual completing the task.

[Statutory Authority: RCW 70.128.007 and 70.128.040. WSR 25-05-021, s 388-76-10490, filed 2/7/25, effective 3/10/25. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10490, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10490, filed 10/16/07, effective 1/1/08.]

SPECIALTY CARE

WAC 388-76-10495 Specialty care—Designations. The department may designate an adult family home to provide specialty care in one or more of the following areas:
(1) Developmental disability;
(2) Mental illness; and
(3) Dementia.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10495, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10500 Granting specialty care designation—Requirements. The department will grant a specialty designation when:
(1) The provider, entity representative and resident manager has successfully completed training in one or more of the specialty care designated areas;
(2) The home provides the department with written documentation:
(a) Of successful completion of the required specialty care training or challenge test for each person in subsection (1) of this section; and
(b) For the specialty care training for all caregivers in the adult family home provided by a person knowledgeable in specialty care.
(3) The home ensures the specialty care need of each resident is met.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10500, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10505 Specialty care—Admitting and retaining residents. The adult family home must not admit or keep a resident with specialty care needs, such as developmental disability, mental illness, or dementia as defined in WAC 388-76-10000, if the provider, entity representative, resident manager and staff have not completed the specialty care training required by chapter 388-112A WAC.

[Statutory Authority: Chapter 70.128 RCW. WSR 18-20-015, § 388-76-10505, filed 9/21/18, effective 10/22/18. Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10505, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128

and 74.34 RCW. WSR 07-21-080, § 388-76-10505, filed 10/16/07, effective 1/1/08.]

RESIDENCY AGREEMENT—RESIDENTS WITH MEDICAID

WAC 388-76-10506 Written residency agreement—Residents with medicaid as a payor. (1) For the purposes of this section "residency agreement" means a legally enforceable written document prepared by the adult family home that contains the rights and responsibilities of the facility and the resident specific to transfer and discharge and is signed by both parties.

(2) For residents with medicaid as a payor the facility must complete a signed written residency agreement with each resident that:

(a) Is signed by the resident or their legal representative and the facility upon admission of the resident to the facility;

(b) Requires the facility to agree to comply with the long-term care residents rights statute transfer and discharge requirements pursuant to RCW 70.129; and

(c) Requires the facility to provide notice to residents before transfer and discharge that includes information about available legal resources and notice that, subject to legislative appropriation, residents have the right to legal counsel at public expense upon notice of transfer or discharge.

(3) For residents whose payor status changes from medicaid to private pay, a new residency agreement is required if the resident's payor status returns to medicaid.

(4) A copy of the residency agreement that is signed and dated by both parties must be:

(a) Kept in the resident record; and

(b) Provided to the resident or their representative.

(5) The residency agreement must be in substantially the following form:

Residency agreement—residents with medicaid as a payor.

(a) [facility name] agrees to comply with the long-term care residents rights statute transfer and discharge requirements pursuant to RCW 70.129.

(b) Subject to legislative appropriation [resident name] has a right to a free lawyer to help them in response to a notice of transfer or discharge. If they want a free lawyer to help them, they must call the long-term care discharge defense screening line at (888) 437-0017.

(c) [Signature of resident/legal representative and date].

(d) [Signature of facility and date].

[Statutory Authority: RCW 18.20.090, 70.97.230, and 70.128.040. WSR 26-08-074, s 388-76-10506, filed 3/30/26, effective 4/30/26. Statutory Authority: RCW 18.20.090, 70.97.230, 70.128.040, 74.09.520(2), 74.39A.007, 42 C.F.R. 441.530 (a)(1)(vi)(A), and 441.301 (c)(4)(vi)(A). WSR 25-18-037, s 388-76-10506, filed 8/25/25, effective 1/1/26.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

RESIDENT RIGHTS

WAC 388-76-10510 Resident rights—Basic rights. The adult family home must ensure that each resident:

(1) Receives appropriate necessary services, as identified in the assessment and negotiated care plan;

(2) Is treated with courtesy, dignity, and respect;

(3) Continues to enjoy basic civil and legal rights;

(4) Has the opportunity to exercise control over life decisions, such as making the resident's own choices about daily life, participation in services or activities, care, and privacy;

(5) Has the opportunity to engage in religious, political, civic, recreational, and other social activities of their choice;

(6) Is cared for in a manner that enhances or maintains the resident's quality of life;

(7) Is cared for in an environment that is safe, clean, comfortable, and homelike; and

(8) Has the freedom to have and use their personal belongings to the extent possible.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10510, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10510, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10515 Resident rights—Exercise of rights. The adult family home must:

(1) Protect each resident's right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the home;

(2) Protect and promote the rights of each resident and assist the resident to exercise the rights of a resident of the home and the state of Washington.

(3) Be free of interference, coercion, discrimination, and retaliation from the home in exercising the resident's rights; and

(4) Ensure the resident's right to choose a representative who may exercise the resident's rights to the extent provided by law.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10515, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10515, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10522 Resident rights—Notice—Policy on accepting medicaid as a payment source. The adult family home must fully disclose the home's policy on accepting medicaid or other public funds as a payment source. The policy must:

(1) Clearly state the circumstances under which the adult family home provides care for medicaid eligible residents and for residents who become eligible for medicaid after admission;

(2) Be provided both orally and in writing in a language the resident understands;

(3) Be provided to all prospective residents, before admission to the home;

(4) Be provided to any current residents who were admitted before this requirement took effect or who did not receive copies prior to admission;

(5) Be a written document that is separate from other documents and use a type font that is at least fourteen point; and

(6) Be signed and dated by the resident and kept in the resident record after signature.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10522, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10522, filed 1/15/10, effective 2/15/10.]

WAC 388-76-10525 Resident rights—Postings. The adult family home must post the following in a common use area where they can be easily viewed by anyone in the home, including residents, resident representatives, the department, and visitors:

(1) The name, address, and telephone number for the home's regional residential care services licensing office;

(2) The department's poster that includes the complaint resolution unit hotline and the telephone number for the state ombuds program; and

(3) The poster from the agency designated as the protection and advocacy system for residents with disabilities.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10525, filed 5/17/21, effective 8/1/21. Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10525, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10525, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10530 Resident rights—Notice of rights and services. (1) The adult family home must provide each resident written notice of the resident's rights and services provided in the home in a language the resident understands and before the resident is admitted to the home. The notice must be reviewed at least once every 24 months from the date of the resident's admission and must include the following:

(a) Information regarding resident rights, including rights under chapter 70.129 RCW;

(b) A complete description of the services, items, and activities customarily available in the home or arranged for by the home as permitted by the license;

(c) A complete description of the charges for those services, items, and activities, including charges for services, items, and activities not covered by the home's per diem rate or applicable public benefit programs;

(d) The monthly or per diem rate charged to private pay residents to live in the home;

(e) Rules of the home, which must not violate resident rights in chapter 70.129 RCW;

(f) How the resident can file a complaint concerning alleged abandonment, abuse, neglect, or financial exploitation with the state hotline;

(g) If the home will be managing the resident's funds, a description of how the home will protect the resident's funds; and

(h) If the home does not serve residents who require assistance with evacuation due to a limit on their license, notice that residents living in the home whose status changes to require assistance will be discharged from the facility.

(2) Upon receiving the notice of rights and services at admission and at least every 24 months, the home must ensure the resident and a representative of the home sign and date an acknowledgement stating that the resident has received the notice of rights and services as outlined in this section. The home must retain a signed and dated copy of both the notice of rights and services and the acknowledgement in the resident's record.

[Statutory Authority: RCW 70.128.040 and 70.128.066. WSR 25-04-035, s 388-76-10530, filed 1/28/25, effective 3/4/25. Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10530, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10530, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10532 Resident rights—Department standardized disclosure forms. (1) The adult family home must complete the department's standardized disclosure of services form.

The home must:

(a) List on the form the scope of care and services available in the home;

(b) Send the completed form to the department when applying for a license; and

(c) Provide an updated form to the department thirty days prior to changing services, except in emergencies, when the scope of care and services is changing.

(2) The adult family home must complete the disclosure of charges form as provided by the department. The home must:

(a) Provide a copy to each resident prior to or upon admission to the home;

(b) Provide a copy upon resident request; and

(c) Keep a copy that has been signed and dated by the resident in the resident's record.

(3) These forms do not replace the notice of rights and services required when a resident is admitted to the adult family home as directed in WAC 388-76-10530.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10532, filed 5/17/21, effective 8/1/21. Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10532, filed 1/12/15, effective 2/12/15.]

WAC 388-76-10535 Resident rights—Notice of change to services. (1) The adult family home must inform each resident in advance of changes to services, items, activities, scope of care, or home rules as follows:

(a) In writing;

(b) At least fourteen days before the effective date of a change due to a substantial and continuing change in the resident's condition that necessitates substantially greater or lesser services, items, or activities;

(c) At least thirty days before the effective date of a change that decreases the scope of care, services, or activities due to circumstances beyond the home's control; and

(d) At least ninety days before the effective date the home voluntarily decreases the scope of care, services, or activities the home provides, if the change will result in the discharge of at least one resident.

(2) The home is not required to notify the resident if the home provides him or her different or additional services, items, or activities that do not result in an additional cost to the resident.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10535, filed 10/4/16, effective 11/4/16; WSR 16-01-171, § 388-76-10535, filed 12/22/15, effective 1/22/16; WSR 15-03-037, § 388-76-10535, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10535, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10540 Resident rights—Disclosure of charges—Notice requirements—Deposits. (1) If the adult family home requires an admission fee, deposit, prepaid charges, or any other fees or charges, by or on behalf of a person seeking admission, the home must include this information on the disclosure of charges form in writing in a language the resident understands prior to its receipt of any funds.

(2) The disclosure must include:

(a) A statement of the amount of any admissions fees, security deposits, prepaid charges, minimum stay fees, or any other fees or charges specifying what the funds are paid for and the basis for retaining any portion of the funds if the resident dies, is hospitalized, transferred, or discharged from the home;

(b) The home's advance notice or transfer requirements; and

(c) The amount of the security deposits, admission fees, prepaid charges, minimum stay fees, or any other fees or charges that the home will refund to the resident if the resident leaves the home.

(3) If the home does not provide the disclosures in subsection (1) of this section to the resident, the home must not keep the resident's security deposits, admission fees, prepaid charges, minimum stay fees, or any other fees or charges.

(4) If a resident dies, is hospitalized, or is transferred to another facility for more appropriate care and does not return to the home, the adult family home:

(a) Must refund any deposit or charges paid by the resident less the home's per diem rate for the days the resident actually resided, reserved, or retained a bed in the home regardless of any minimum stay policy or discharge notice requirements;

(b) May keep an additional amount to cover its reasonable and actual expenses incurred as a result of a private-pay resident's move, not to exceed five days per diem charges, unless the resident has given advance notice in compliance with the home's admission agreement; and

(c) Must not require the resident to obtain a refund from a placement agency or person.

(5) The adult family home must not retain funds for reasonable wear and tear by the resident or for any basis that would violate RCW 70.129.150.

(6) The adult family home must provide the resident with any and all refunds due within thirty days from the resident's date of discharge from the home.

(7) Nothing in this section applies to provisions in contracts negotiated between a home and a certified health plan, health or disability insurer, health maintenance organization, managed care organization, or similar entities.

(8) The home must ensure that the notice of rights and services is consistent with the requirements of this section, chapters 70.128, 70.129, and 74.34 RCW, and other applicable state and federal laws.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10540, filed 5/17/21, effective 8/1/21. Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10540, filed 10/4/16, effective 11/4/16; WSR 15-03-037, § 388-76-10540, filed 1/12/15, effective 2/12/15; WSR 12-01-004, § 388-76-10540, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10540, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10540, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10545 Resident rights—Admitting and keeping residents. The adult family home must:

(1) Only admit or keep individuals whose needs the home can safely meet:

(a) With qualified available staff; and

(b) Through the provision of reasonable accommodations required by state and federal law;

(2) Not admit an individual before obtaining a complete assessment of the individual's needs and preferences, except in cases of a genuine emergency;

(3) Ensure that the admission of the individual does not negatively affect the ability of the home to meet the needs of or endangers the safety of other residents; and

(4) Comply with all applicable federal and state requirements regarding nondiscrimination.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10545, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10545, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10550 Resident rights—Adult family home staffing—Notification required. The adult family home must provide the following

information in writing to prospective residents before admission and current residents who were admitted before this requirement took effect:

(1) Information about the provider, entity representative, and resident manager, including:

(a) Availability in the home, including a general statement about how often they each are in the home;

(b) Education and training relevant to resident caregiving;

(c) Caregiving experience;

(d) Primary responsibilities, including which general care management decisions they will make and which will be made by the resident or their representative; and

(e) How to contact the provider, entity representative, and resident manager when not in the home.

(2) Information about a licensed practical nurse or registered nurse, if there is one, who is in any way involved in the care of residents, including:

(a) Who the licensed practical nurse or registered nurse is employed by;

(b) The specific routine hours that the licensed practical nurse or registered nurse is on-site, if they are on-site routinely;

(c) Primary responsibilities;

(d) The nonroutine times when the licensed practical nurse or registered nurse will be available, such as on-call; and

(e) A description of what the provider or entity representative will do to make the services of a licensed nurse available in an emergency or change in a resident's condition.

(3) A statement indicating whether the provider, caregiver or staff is qualified or willing to become qualified to perform nurse delegation as allowed under state law.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10550, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10550, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10550, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10560 Resident rights—Adult family home management of resident financial affairs. (1) Each resident has the right to manage their own financial affairs. The adult family home must not require any resident to deposit their personal funds with the home.

(2) If the adult family home agrees to manage a resident's personal funds, the home must:

(a) Have a written authorization from the resident;

(b) Develop and maintain a system that assures a full, complete, and separate accounting of each resident's personal funds given to the home on the resident's behalf;

(c) Ensure the resident's funds are not mixed with the home's funds or with the funds of any person other than another resident. If funds are pooled accounts, there must be a separate accounting for each resident's share;

(d) Deposit a resident's personal funds in excess of one hundred dollars in an interest-bearing account(s) separate from any of the

home's operating accounts and that credits all interest earned on residents' funds to that account;

(e) Ensure that the account or accounts are held in a financial institution as defined in RCW 30A.22.040, and notify each resident in writing of the name, address, and location of the depository.

(f) Keep a resident's personal funds that do not exceed one hundred dollars in a noninterest-bearing account, interest-bearing account, or petty cash fund; and

(g) Provide an individual financial record when requested by the resident or the resident's legal representative.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10560, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10560, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10561 Resident rights—Resident security deposit account. (1) Funds in excess of one hundred dollars that are paid to an adult family home as a security deposit or as prepayment for charges beyond the first month's residency must be deposited by the adult family home in an interest bearing account that is separate from any of the home's operating accounts and that credits all interest earned on the resident's funds to that account.

(2) The adult family home must:

(a) Provide a record of the account when requested by the resident, the resident's representative, or the department;

(b) Ensure the resident's funds are not mixed with the home's funds or with the funds of any person other than another resident. If an account pools resident funds, there must be a separate accounting for each resident's share;

(c) Ensure that the account(s) are held, and remain until a resident refund occurs, in a financial institution as defined in RCW 30A.22.040; and

(d) Notify the resident in writing of the name, address, and location of the depository.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10561, filed 5/17/21, effective 8/1/21. Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10561, filed 12/7/11, effective 1/7/12.]

WAC 388-76-10570 Resident rights—Financial affairs related to resident death. If a resident's personal funds are deposited with the adult family home, the home must give the resident's funds and a final accounting of the funds within thirty days after the resident's death to the individual or probate jurisdiction administering the resident's estate; except for a resident who received long-term care services paid by the state, the home must send funds and accounting to the state of Washington, department of social and health services, office of financial recovery.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10570, filed 12/7/11, effective 1/7/12. Statutory Authority:

RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10570, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10575 Resident rights—Privacy. (1) The adult family home must ensure the right of each resident to personal privacy that includes:

(a) The home;

(b) Medical treatment;

(c) Clinical or resident records;

(d) Personal care; and

(e) Visits and meetings of family and resident groups; however

(2) The resident right to personal privacy does not require the home to provide a private room for each resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10575, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10580 Resident rights—Grievances. The adult family home must:

(1) Ensure each resident's right to voice grievances, including those about care and treatment given or not given that has been furnished as well as that which has not been furnished; and

(2) Make prompt efforts to resolve grievances the resident may have, including those about the behavior of other residents.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10580, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10584 Resident rights—Examination of license. The adult family home must place its license to operate and any conditions on the license, in a visible location in a common use area where it can be examined by residents, resident representatives, the department and anyone interested without having to ask for them.

[Statutory Authority: RCW 70.128.040. WSR 10-14-058, § 388-76-10584, filed 6/30/10, effective 7/31/10.]

WAC 388-76-10585 Resident rights—Examination of inspection results. (1) The adult family home must place a copy of the following documents in a common use area where they can be easily viewed by residents, resident representatives, the department, and anyone interested without having to ask for them:

(a) The most recent inspection report, any related follow-up reports, and related cover letters; and

(b) All complaint investigation reports, any related follow-up reports, and any related cover letters received since the most recent inspection or within the last twelve months, whichever is longer.

(2) The adult family home must post a notice that the following documents are available for review if requested by the residents, resident representatives, the department, and anyone interested:

(a) A copy of each inspection report and related cover letter received during the past three years; and

(b) A copy of any complaint investigation reports and related cover letters received during the past three years.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10585, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040. WSR 10-14-058, § 388-76-10585, filed 6/30/10, effective 7/31/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10585, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10590 Resident rights—Contact with client advocates. The adult family home must ensure that each resident:

(1) Receives information from client advocate agencies; and

(2) Has opportunities to contact client advocate agencies.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10590, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10595 Resident rights—Advocacy access and visitation rights. The adult family home must not interfere with each resident's right to have access to and from:

(1) Any representative of the state;

(2) The resident's own physician;

(3) The state long-term care ombuds programs;

(4) The agency responsible for the protection and advocacy system for one or more of the following:

(a) Individuals with developmental disabilities as established under Part C of the Developmental Disabilities Assistance and Bill of Rights Act;

(b) Individuals with mental illness as established under the Protection and Advocacy for Individuals with Mental Illness Act;

(c) Individuals with disabilities as established under section 509 of the Rehabilitation Act of 1973, as amended, who are not served under the mandates of existing protection and advocacy systems created under federal law;

(5) Visitors who are visiting the resident with the resident's consent, which:

(a) The resident may withdraw at any time; and

(b) May only be limited when the limitation is to protect the rights or safety of the residents or others in the home and must be documented under WAC 388-76-10401; and

(6) The resident's representative or an entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10595, filed 5/17/21, effective 8/1/21. Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10595, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10595, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10596 Essential support persons. (1) In circumstances in which limitations must be placed on resident visitation due to a public health emergency or other threat to the health and safety of the residents and staff of a facility or nursing home, residents must still be allowed access to an essential support person, subject to reasonable limitations on such access tailored to protecting the health and safety of essential support persons, residents, and staff.

(2) The facility must comply with RCW 70.129.190, and all related statutory requirements.

[Statutory Authority: RCW 18.20.090, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 25-16-099, s 388-76-10596, filed 8/6/25, effective 9/6/25.]

WAC 388-76-10600 Resident rights—Mail and telephone privacy. The adult family home must ensure each resident's right to privacy in communications, including the right to:

(1) Send and receive unopened mail without delay;

(2) Have writing paper, postage, and pens or pencils available that have been paid for by the resident; and

(3) Have twenty-four hour per day access to a telephone to make and receive confidential calls.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10600, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10600, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10605 Resident rights—Personal property and storage space. The adult family home must ensure each resident's right to keep and use personal possessions, including furnishings, and appropriate clothing, as space permits, unless to do so would infringe upon the rights or health and safety of other residents.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10605, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10605, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10610 Resident rights—Waiver of liability. The adult family home must not ask the resident for, or make the resident sign waivers of:

(1) Potential liability for losses of personal property or injury; and

(2) Residents' rights set forth in chapters 70.128, 70.129, 74.34 RCW, this chapter or in the applicable licensing laws.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10610, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10615 Resident rights—Transfer and discharge. (1) The adult family home must allow each resident to stay in the home and not transfer or discharge the resident unless:

(a) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the home;

(b) The safety or health of individuals in the home is or would otherwise be endangered;

(c) The resident has failed to make the required payment for their stay; or

(d) The home ceases to operate.

(2) Before a home transfers or discharges a resident, the home must first attempt through reasonable accommodations to avoid the transfer or discharge, unless agreed to by the resident.

(3) The home must give residents enough preparation and orientation to ensure a safe and orderly transfer or discharge from the home.

(4) If the home discharges a resident in violation of this section or WAC 388-76-10616, the home must readmit the resident to the home as soon as a gender-appropriate bed becomes available.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10615, filed 5/17/21, effective 8/1/21. Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10615, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10615, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10616 Resident rights—Transfer and discharge notice. (1) Before a home transfers or discharges a resident, the home must give the resident and the resident's representative a written thirty day notification informing them of the transfer or discharge. The home must also make a reasonable effort to notify, if known, any interested family member. The written notification must be in a language and manner the resident understands and include the following:

(a) The reason for transfer or discharge;

(b) The effective date of transfer or discharge;

(c) The location where the resident is transferred or discharged if known at the time of the thirty-day discharge notice;

(d) The name, address, and telephone number of the state long-term care ombuds;

(e) For residents with developmental disabilities, the mailing address and telephone number of the agency responsible for the protection and advocacy of individuals with a developmental disability; and

(f) For residents with mental illness, the mailing address and telephone number of the agency responsible for the protection and advocacy of individuals with mental illness.

(2) The home may make the notice as soon as practicable before transfer or discharge when:

(a) The safety and health of the individuals in the home would be endangered;

(b) An immediate transfer or discharge is required by the resident's urgent medical needs; or

(c) The resident has been absent from the home for thirty or more days.

(3) A copy of the written notification must be in the resident's records.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10616, filed 5/17/21, effective 8/1/21.]

WAC 388-76-10617 Resident rights—Transfer and discharge notice—Residents with medicaid as a payor. For residents with medicaid as a payor, in addition to the requirements in WAC 388-76-10616, the adult family home must do the following when issuing a written notice of transfer or discharge:

(1) Include in the notice contact information provided by the department for the legal services agencies assigned to provide legal counsel;

(2) Clearly state in the notice that, subject to legislative appropriation, legal counsel at public expense is available to represent the resident's interests in the transfer or discharge process. This language must be substantially in the following form: "Subject to legislative appropriation you have a right to a free lawyer to help you respond to a notice of transfer or discharge. If you want a free lawyer to help you, please call the long-term care discharge defense screening line at (888) 437-0017.";

(3) Within three calendar days of issuing the notice, provide a copy of the notice to the resident's assigned department case manager;

(4) Within three calendar days of issuing the notice, provide a copy of the notice to the Washington state long-term care ombudsman program; and

(5) Issue the transfer and discharge notice in substantially the following form:

Notice of transfer or discharge—residents with medicaid as a payor:

(a) Resident information;

(i) Resident name;

(ii) Resident address;

(b) Facility information;

(i) Facility name;

(ii) Facility address;

(iii) Contact person's name;

(c) Date notice given;

(d) Effective date: Effective date must be at least 30 days from the date notice is given unless an exception applies according to RCW 70.129.110;

(e) Location to where resident is transferred or discharged:

(i) Name;

(ii) Address;

(iii) Phone;

(f) Reason for transfer or discharge: The specific reason for the transfer or discharge must be one or more of the reasons in (i)-(v) of this subsection:

(i) Transfer or discharge is necessary for the resident's welfare and the residents' needs cannot be met in the facility;

(ii) The safety of individuals in the facility is endangered;

(iii) The health of individuals in the facility would otherwise be endangered;

(iv) The resident has failed to make the required payment for their stay;

(v) The facility ceases to operate.

(g) Copy of notice given within three days to:

(i) Department case manager;

(ii) Washington state long-term care ombudsman program;

(h) Your rights and resources.

(i) Legal counsel: Subject to legislative appropriation, you have a right to a free lawyer to help you respond to a notice of transfer or discharge. If you want a free lawyer to help you, please call the long-term care discharge defense screening line at (888) 437-0017.

(ii) Washington state ombuds: For assistance and information about this notice contact your long-term care ombuds toll free at 1-800-562-6028 or by email at ltcop@mschelps.org. The Washington long-term care ombudsman program is located at 1200 South 336th St, Federal Way, WA 98003. You can find your local ombuds person on the Washington state long-term care ombudsman program website at www.waombudsman.org, under "Find an Ombuds".

(iii) Disability rights Washington: If you have a diagnosis of a mental illness or an intellectual disability, you may contact disability rights Washington 1-800-562-2702 or (206) 324-1521. You may also make your request in writing by fax at (206) 957-0729, email at info@dr-wa.org or mail at Disability rights Washington, 315 5th Ave S, Suite 850, Seattle WA, 98104.

(iv) DSHS home and community living administration (HCLA): You have the right to make a complaint to the complaint resolution unit (CRU/complaint hotline) 1-800-562-6078.

[Statutory Authority: RCW 18.20.090, 70.97.230, and 70.128.040. WSR 26-08-074, s 388-76-10617, filed 3/30/26, effective 4/30/26. Statutory Authority: RCW 18.20.090, 70.97.230, 70.128.040, 74.09.520(2), 74.39A.007, 42 C.F.R. 441.530 (a)(1)(vi)(A), and 441.301 (c)(4)(vi)(A). WSR 25-18-037, s 388-76-10617, filed 8/25/25, effective 1/1/26.]

QUALITY OF LIFE

WAC 388-76-10620 Resident rights—Quality of life—General. (1) The adult family home must promote care for residents in a manner and in an environment that maintains or enhances each resident's dignity and respect in full recognition of his or her individuality.

(2) The home may design home rules that protect the rights and quality of life of residents. Within these rules, the home must ensure the resident's right to:

(a) Choose activities, schedules, and health care consistent with the resident's interests, assessments, and negotiated care plan;

(b) Interact with members of the community both inside and outside the home;

(c) Make choices about aspects of life in the home that are significant to the resident;

(d) Wear the resident's own clothing and decide their own dress, hair style, or other personal effects according to individual preference;

(e) Unless adjudged incompetent or otherwise found to be legally incapacitated to:

(i) Be informed in advance about recommended care and services and of any recommended changes in the care and services;

(ii) Participate in planning care and treatment or changes in care and treatment;

(iii) Direct the resident's own service plan and changes in the service plan; or

(iv) Refuse any particular service so long as such refusal is documented in the record of the resident.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10620, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10620, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10625 Resident rights—Quality of life—Meetings. The adult family home must ensure:

(1) A resident's right to:

(a) Organize and take part in resident groups in the home;

(b) Have family meet in the home with the families of other residents; and

(c) Have staff or visitors attend meetings at the group's invitation.

(2) The home must provide a resident or family group, if one exists, with meeting space.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10625, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10630 Resident rights—Quality of life—Adult family home response to issues. When a resident or family group exists, the adult family home must listen to the views and act upon the grievances and recommendations of residents and families about proposed policy and operational decisions affecting resident care and life in the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10630, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10635 Resident rights—Quality of life—Work. The adult family home must respect the resident's right to refuse to perform services for the home except as voluntarily agreed to by the resident and the home and documented in the resident's negotiated care plan.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10635, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10640 Resident rights—Quality of life—Resident participation. The adult family home must ensure each resident's right to join in social, religious, and community activities that do not interfere with the rights of other residents in the home.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10640, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10645 Resident rights—Quality of life—Reasonable accommodation. The adult family home must ensure each resident:

(1) Receives reasonable accommodation to meet the needs and preferences of the resident, except when the reasonable accommodation endangers the health or safety of the individual or other residents; and

(2) Has the ability to share a double room with his or her spouse or domestic partner when both spouses or domestic partners consent to the arrangement.

[Statutory Authority: RCW 70.128.040. WSR 09-03-030, § 388-76-10645, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10645, filed 10/16/07, effective 1/1/08.]

MEDICAL DEVICES AND RESTRAINTS

WAC 388-76-10650 Medical devices. (1) The adult family home must not use a medical device with a known safety risk as a restraint or for staff convenience.

(2) Before a medical device with a known safety risk is used by a resident, the home must:

(a) Ensure an assessment has been completed that identifies the resident's need and ability to safely use the medical device;

(b) Provide the resident and his or her family or legal representative with information about the device's benefits and safety risks to enable them to make an informed decision about whether to use the device;

(c) Ensure the resident's negotiated care plan includes how the resident will use the medical device; and

(d) Ensure the medical device is properly installed.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10650, filed 10/4/16, effective 11/4/16. Statutory Authority: RCW 70.128.040. WSR 09-03-029, § 388-76-10650, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10650, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10655 Physical and mechanical restraints. The adult family home must ensure:

(1) Each resident's right to be free from physical and mechanical restraints used for discipline or convenience;

(2) Prior to the use of physical or mechanical restraints, less restrictive alternatives have been tried and documented in the resident's negotiated care plan;

(3) The physical or mechanical restraints have been assessed as necessary to treat the resident's medical symptoms and addressed on the resident's negotiated care plan; and

(4) If physical or mechanical restraints are used to treat a resident's medical symptoms, the restraints are applied and immediately supervised on-site by a:

(a) Licensed registered nurse;

(b) Licensed practical nurse; or

(c) Licensed physician.

(5) For the purposes of this section, "immediately supervised" means that the licensed person is in the home and quickly and easily available.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10655, filed 10/4/16, effective 11/4/16; WSR 16-06-004, § 388-76-10655, filed 2/17/16, effective 4/1/16. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10655, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10660 Chemical restraints. (1) "Chemical restraint(s)" cannot be used for discipline or convenience.

(2) Must only be used within the guidelines as "chemical restraint" is defined.

[Statutory Authority: Chapter 70.128 RCW. WSR 17-01-002, § 388-76-10660, filed 12/7/16, effective 1/7/17; WSR 16-06-004, § 388-76-10660, filed 2/17/16, effective 4/1/16. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10660, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10665 Involuntary seclusion. The adult family home must ensure a resident's right to be free from involuntary seclusion or isolation of the resident against his or her will.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10665, filed 10/16/07, effective 1/1/08.]

ABUSE

WAC 388-76-10670 Prevention of abuse. The adult family home must:

(1) Meet the requirements of chapter 74.34 RCW;

(2) Ensure each resident's right to be free from abandonment, verbal, sexual, physical and mental abuse, exploitation, financial exploitation, neglect, and involuntary seclusion;

(3) Protect each resident who is an alleged victim of abandonment, verbal, sexual, physical and mental abuse, exploitation, financial exploitation, neglect, and involuntary seclusion; and

(4) Prevent future potential abandonment, verbal, sexual, physical and mental abuse, exploitation, financial exploitation, neglect, and involuntary seclusion from occurring.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10670, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10673 Abuse and neglect reporting—Mandated reporting to department—Required. (1) In accordance with chapter 74.34 RCW, all providers, entity representatives, resident managers, owners, caregivers, staff, and students that provide care and services to res-

idents, are mandated reporters and must immediately report to the department when there is:

(a) A reasonable cause to believe that abandonment, abuse, exploitation, financial exploitation, or neglect of a vulnerable adult has occurred; or

(b) A reason to suspect that sexual assault of a vulnerable adult has occurred.

(2) Reports must be made to:

(a) The centralized toll free telephone number provided by the department; and

(b) The appropriate law enforcement agencies, as required under chapter 74.34 RCW.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10673, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 08-05-098, § 388-76-10673, filed 2/15/08, effective 3/17/08.]

WAC 388-76-10675 Adult family home rules and policies related to abuse—Required. The adult family home must develop and implement written rules and policies that:

(1) Do not allow abandonment, abuse, neglect of any resident, exploitation or financial exploitation of any resident;

(2) Require staff to report possible abuse, and other related incidents, as required in chapter 74.34 RCW; and

(3) Do not interfere with the requirement that employees and other mandated reporters file reports directly with the department, and with law enforcement, if they suspect sexual or physical assault to have occurred.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10675, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10680 Staff behavior related to abuse. The adult family home must ensure that staff do not abandon, abuse, neglect, seclude, exploit, or financially exploit any resident.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10680, filed 10/16/07, effective 1/1/08.]

PHYSICAL PLANT BASIC REQUIREMENTS

WAC 388-76-10685 Bedrooms. The adult family home must meet all of the following requirements:

(1) Ensure each resident's bedroom is an outside room that allows entrance of natural light.

(2) Ensure window and door screens:

(a) Do not hinder emergency escape; and

(b) Prevent entrance of flies and other insects.

(3) Ensure each resident, including those using mobility aids such as wheelchairs and walkers has direct, unrestricted, and free access from the bedroom through doors, hallways, and corridors to common

use areas and other rooms used for care and services including bathrooms.

(4) When a bedroom will be shared by two residents, the home must:

(a) Document through the notice of rights and services that the resident's bedroom is a shared bedroom; and

(b) Allow residents to express their preference of roommate and allow residents who mutually consent to share a bedroom to live in a double occupancy bedroom together, unless this will pose a health or safety risk for any resident in the home;

(5) Provide each bedroom with a minimum usable floor space as required in WAC 388-76-10690.

(6) Give each resident the opportunity to have a lock on their bedroom door if they choose to unless having a locked door would be unsafe for the resident and this is documented according to WAC 388-76-10401.

(7) Ensure each bedroom has a closet or a wardrobe, armoire, or reasonable storage space for clothes accessible to residents. Neither the closet nor wardrobe/armoire floor space will be considered a part of the room's usable square footage. The home must not remove a closet in order to provide additional floor space.

(8) Ensure there are no more than two residents to a bedroom.

(9) Unless the resident chooses to provide their own furniture and bedding, the home must provide each resident a bed 36 inches or wider with:

(a) A clean, comfortable mattress;

(b) A waterproof cover for use when needed or requested by the resident;

(c) Clean sheets and pillow cases;

(d) Adequate clean blankets to meet the needs of each resident; and

(e) Clean pillows.

(10) Do not use the upper bunk of double-deck beds for a resident's bed.

(11) Provide each resident a call bell, or an alternative way of alerting staff in an emergency, that the resident can use, unless the bedroom of an AFH staff member is within hearing distance of the resident's bedroom and a staff member will be within hearing distance at all times.

(12) Ensure that members of the household and staff do not share bedrooms with residents.

(13) Ensure a resident does not share a bedroom with a person under 18 years of age, unless the person is the resident's own child.

(14) The adult family home must notify the department and receive an approved inspection from the department before allowing a resident to sleep in a bedroom not previously inspected and approved by the department.

[Statutory Authority: RCW 70.128.040, 70.128.065, and 45 C.F.R. § 1324.11 (e)(2). WSR 26-17-004, s 388-76-10685, filed 8/5/26, effective 9/20/26. Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10685, filed 5/17/21, effective 8/1/21. Statutory Authority: Chapter 70.128 RCW. WSR 16-06-004, § 388-76-10685, filed 2/17/16, effective 4/1/16. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10685, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10685, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10690 Bedroom usable floor space—In adult family homes after the effective date of this chapter. (1) For the purposes of this section "vestibule" means a small room or hall between an outer door and the main part of the resident bedroom.

(2) The adult family home must ensure each resident bedroom has a minimum usable floor space as follows, excluding the floor space for toilet rooms, closets, lockers, wardrobes and vestibules:

(a) Single occupancy bedrooms with at least eighty square feet; and

(b) Double occupancy bedrooms with at least one-hundred twenty square feet.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10690, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10695 Building codes—Structural requirements. (1) For single family dwellings used as an adult family home after July 1, 2007, the home must ensure the building meets the requirements of WAC 51-51-0330 if the building is:

(a) New; or

(b) An existing building converted for use as an adult family home.

(2) For buildings licensed as a home before July 1, 2007, the requirement of subsection (1) of this section does not apply if:

(a) The building sells or transfers to a new owner; and

(b) The new owner takes possession of the building before the issuance of the license.

(3) The home must ensure that every area used by residents:

(a) Has direct access to at least one exit which does not pass through other areas such as a room or garage subject to being locked or blocked from the opposite side; and

(b) Is not accessible only by or with the use of a:

(i) Ladder;

(ii) Folding stairs; or

(iii) Trap door.

[Statutory Authority: RCW 70.128.040. WSR 21-04-131, § 388-76-10695, filed 2/2/21, effective 3/5/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10695, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10700 Building official—Inspection and approval. The adult family home must have the building inspected and approved for use as an adult family home by the local building official:

(1) Before licensing; and

(2) After any construction changes that:

(a) Affect resident's ability to exit the home; or

(b) Change, add or modify a resident's bedroom.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10700, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10705 Common use areas. (1) For the purposes of this section, common use areas:

(a) Are areas and rooms of the adult family home that residents use each day for tasks such as eating, visiting, and leisure activities; and

(b) Include but are not limited to dining and eating rooms, living and family rooms, and any entertainment and recreation areas.

(2) The adult family home must ensure common use areas are:

(a) Homelike, with furnishings that each resident may use;

(b) Large enough for all residents to use at the same time; and

(c) Not used as bedrooms or sleeping areas.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10705, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10710 Construction and remodeling—Relocation of residents. Before moving all residents out of the adult family home for construction or remodeling, the home must:

(1) Notify the residents of the move date and the resident's options consistent with chapter 70.129 RCW;

(2) Notify the department at least thirty days before the anticipated move, including:

(a) The location to which the residents will be moved;

(b) The home's plans for providing and ensuring care and services during the relocation;

(c) The home's plans for returning residents to the building; and

(d) The projected time frame for completing the construction or remodeling.

(3) Obtain the department's approval of the relocation plans before moving the residents.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10710, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10715 Doors—Ability to open. The adult family home must ensure:

(1) Every bedroom and bathroom door opens from the inside and outside;

(2) Every closet door opens from the inside and outside;

(3) At least one door leading to the outside is designated as an emergency exit. In homes licensed after January 1, 2016, this door must have a lever door handle on both sides and hardware that allows residents to exit when the door is locked and immediately reenter without a key, tool, or special knowledge or effort by residents;

(4) Other doors leading to the outside that are not designated as an emergency exit must open without any special skills or knowledge, and they must remain accessible to residents unless doing so poses a risk to the health or safety of at least one resident;

(5) All internal and external doors comply with local jurisdictional requirements as well as the building code requirements in chapter 51-51 WAC; and

(6) For homes licensed after September 20, 2026, all internal doors residents will pass through that are not designated as an emergency exit are at least 27 inches wide.

[Statutory Authority: RCW 70.128.040, 70.128.065, and 45 C.F.R. § 1324.11 (e)(2). WSR 26-17-004, s 388-76-10715, filed 8/5/26, effective 9/20/26. Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10715, filed 5/17/21, effective 8/1/21. Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10715, filed 10/4/16, effective 11/4/16; WSR 16-01-171, § 388-76-10715, filed 12/22/15, effective 1/22/16. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10715, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10720 Electronic monitoring equipment—Audio monitoring and video monitoring. (1) Except as provided in this section or in WAC 388-76-10725, the adult family home must not use the following in the home or on the premises:

(a) Audio monitoring equipment; or

(b) Video monitoring equipment if it includes an audio component.

(2) The home may video monitor and video record activities in the home, without an audio component, only in the following areas:

(a) Entrances and exits if the cameras are:

(i) Focused only on the entrance or exit doorways; and

(ii) Not focused on areas where residents gather;

(b) Outdoor areas accessible to both residents and the public, such as, but not limited to, driveways or walkways, provided that the purpose of such monitoring is to prevent theft, property damage, or other crime on the premises;

(c) Outdoor areas not commonly used by residents; and

(d) Designated smoking areas, subject to the following conditions:

(i) Residents are assessed as needing supervision for smoking;

(ii) A staff person watches the video monitor at any time the area is used by such residents;

(iii) The video camera must be clearly visible;

(iv) The video monitor must not be viewable by the general public; and

(3) The home must notify all residents in writing of the video monitoring equipment. The home must:

(a) Identify in the written notification each person or organization with access to electronic monitoring; and

(b) Retain an acknowledgment that has been signed and dated by both the resident and the home that states in writing that the resident has received this notification.

(4) The presence of cameras must not alter the obligation of the home to provide appropriate in-person assistance and monitoring due to individual physical or cognitive limitations.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10720, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040. WSR 09-03-029, § 388-76-10720, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10720, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10725 Electronic monitoring equipment—Resident requested use. (1) Audio or video monitoring equipment may not be installed in an adult family home to monitor any resident sleeping area unless the resident or the resident's representative has requested and consents to the monitoring;

(2) Electronic monitoring equipment must be installed in a manner that is safe for residents;

(3) An adult family home must not refuse to admit an individual, or discharge a resident, solely because of a request to conduct authorized electronic monitoring;

(4) A resident may limit consent for use of electronic monitoring devices in their bedrooms to specific times or situations, pointing the camera in a particular direction, or prohibiting the use of certain devices;

(5) The release of audio or video monitoring recordings by the facility is prohibited, except to authorized persons or as otherwise required by law;

(6) If the resident requests that the home conduct audio or video monitoring of their sleeping area, before any electronic monitoring occurs the home must ensure:

(a) That the electronic monitoring does not violate chapter 9.73 RCW;

(b) The resident's roommate has provided written consent to electronic monitoring, if the resident has a roommate; and

(c) The resident and the home have agreed upon a specific duration for the electronic monitoring and the agreement is documented in writing.

(7) The home must:

(a) Reevaluate the use of the electronic monitoring with the resident at least quarterly; and

(b) Have each reevaluation in writing signed and dated by the resident.

(8) The home must immediately stop electronic monitoring if the:

(a) Resident no longer wants electronic monitoring;

(b) Roommate objects or withdraws the consent to the electronic monitoring; or

(c) Resident becomes unable to give consent, unless consent has been provided by a resident's representative as described in this section.

(9) For the purposes of consenting to video electronic monitoring, without an audio component, the term "resident" includes the resident's representative.

(10) For the purposes of consenting to audio electronic monitoring, the term "resident" includes only:

(a) The resident residing in the home; or

(b) The resident's court-appointed guardian or attorney-in-fact who has obtained a court order specifically authorizing the court-appointed guardian or attorney-in-fact to consent to audio electronic monitoring of the resident.

(11) If the resident's decision maker consents to audio electronic monitoring as specified in subsection (10) of this section, the home must maintain a copy of the court order authorizing such consent in the resident's record.

(12) If the adult family home determines that a resident, resident's family, or other third party is electronically monitoring a resident's bedroom without complying with the requirements of this

section, the home must disconnect or remove such equipment until the appropriate consent is obtained and notice given as required by this section.

(13) Nothing in this section prohibits or limits an adult family home from implementing electronic monitoring pursuant to a resident's negotiated care plan, including but not limited to motion sensor alerts, floor pressure sensors, or global positioning devices, where the monitoring does not entail the transmittal or recording of a human-viewable image, sound, or resident name.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10725, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040. WSR 09-03-029, § 388-76-10725, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10725, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10730 Grab bars and hand rails. (1) Homes licensed before November 1, 2016, must have at a minimum securely installed:

(a) Grab bars in bathing facilities such as tubs and showers;

(b) Grab bars next to toilets, if needed by any resident;

(c) Handrails on a step or steps if needed by any resident; and

(d) Handrails on ramps if needed by any resident.

(2) Homes licensed and bathroom additions that occur after November 1, 2016, must install grab bars securely fastened in accordance with WAC 51-51-0330 at the following locations:

(a) Bathing facilities such as tubs and showers; and

(b) Each side of any toilet used by residents.

(3) Homes licensed after November 1, 2016, must install handrails on each side of the following:

(a) Step or steps; and

(b) Ramps used by residents.

[Statutory Authority: RCW 70.128.040. WSR 21-04-131, § 388-76-10730, filed 2/2/21, effective 3/5/21. Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10730, filed 10/4/16, effective 11/4/16. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10730, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10735 Kitchen facilities. (1) The adult family home must ensure the kitchen facilities include adequate space for:

(a) Food handling;

(b) Preparation; and

(c) Food storage.

(2) The home must keep the kitchen and equipment in a clean and sanitary manner.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10735, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10740 Lighting. The adult family home must provide:

(1) Adequate light fixtures for each task a resident or staff does; and

(2) Emergency lighting, such as working flashlights for staff and residents that are readily accessible.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10740, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10745 Local codes and ordinances. The adult family home must:

(1) Meet all applicable local licensing, zoning, building and housing codes as they pertain to a single family dwelling;

(2) Meet state and local fire safety regulations as they pertain to a single family dwelling; and

(3) Check with local authorities to ensure the home meets all local codes and ordinances.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10745, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10750 Safety and maintenance. The adult family home must:

(1) Keep the home both internally and externally in good repair and condition with a safe, comfortable, sanitary, and homelike environment that is free of hazards;

(2) Ensure that there is existing outdoor space that is safe and usable for residents;

(3) Provide clean, functioning, safe, adequate household items and furnishings to meet the needs of each resident;

(4) Ensure items and furnishings brought into the home by the resident for their use are clean, functioning, and safe;

(5) Provide safe and functioning systems for:

(a) Heating;

(b) Cooling, which may include air circulating fans;

(c) Hot and cold water;

(d) Electricity;

(e) Plumbing;

(f) Garbage disposal;

(g) Sewage;

(h) Cooking;

(i) Laundry;

(j) Artificial and natural light;

(k) Ventilation; and

(l) Any other feature of the home;

(6) Ensure hot water temperature is at least one hundred five degrees and does not exceed one hundred twenty degrees Fahrenheit at all fixtures used by or accessible to residents, such as:

(a) Tubs;

(b) Showers; and

(c) Sinks;

(7) Keep all toxic substances and hazardous materials in locked storage and in their original containers;

(8) Grant a resident access to and use of toxic substances and hazardous materials only with direct supervision, unless the resident has been assessed as safe to use the substance or material without direct supervision and if the use is documented in the negotiated care plan;

(9) Provide rapid access for all staff to any bedroom, toilet room, shower room, closet, other room occupied by each resident;

(10) Keep all firearms locked and accessible only to authorized persons; and

(11) Keep the home free from:

(a) Rodents;

(b) Flies;

(c) Cockroaches; and

(d) Other vermin.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10750, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10750, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10750, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10755 Sewage and liquid wastes. The adult family home must ensure sewage and liquid wastes are discharged into:

(1) A public sewer system; or

(2) An independent sewage system approved by the local health authority.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10755, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10760 Site. The adult family home must ensure the home:

(1) Is on a well drained site free from:

(a) Hazardous conditions;

(b) Excessive noise;

(c) Dust; and

(d) Smoke or odors.

(2) Has a road accessible at all times to emergency vehicles.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10760, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10765 Storage. The adult family home must:

(1) Supply each resident with adequate and reasonable storage space for:

(a) Clothing;

(b) Personal possessions; and

(c) Upon request, a lockable container or storage space for small items, unless:

(i) The resident has a single occupancy room with a lockable door; and

(ii) Only the resident and appropriate staff have a key to the door.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10765, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10765, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10770 Telephones. The adult family home must:

(1) Have at least one working telephone in the home that does not cost residents money to use; and

(2) Allow residents privacy and reasonable access to the telephone to make and receive calls.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10770, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10770, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10775 Temperature and ventilation. The adult family home must:

(1) Ensure that the maximum and minimum temperature of any room used by a resident is comfortable for the resident and does not compromise the resident's health and safety.

(2) At a minimum, keep room temperature at:

(a) Sixty-eight degrees Fahrenheit or more during waking hours; and

(b) Sixty degrees Fahrenheit or more during sleeping hours.

(3) Provide ventilation in the home to ensure the health and comfort of each resident is met.

[Statutory Authority: RCW 70.128.040. WSR 09-03-029, § 388-76-10775, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10775, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10780 Toilets and bathing facilities. (1) All adult family homes must ensure the home has toilets and bathing facilities that provide each resident with privacy and include at least:

(a) One accessible indoor flush toilet that meets WAC 51-51-0330 for each five persons including residents and household members who live in the home; and

(b) Sinks with hot and cold running water.

(2) For the purposes of this section, "accessible" means available and licensed for resident use.

(3) Homes licensed after July 1, 2007, must also ensure each resident has access to a toilet, and bathing facilities without going through another person's room.

(4) Homes licensed after August 1, 2023, must have a sufficient number of toilets to maintain a ratio of one accessible toilet to five persons, without having to go through another person's room to use a toilet.

(5) Toilets and bathing facilities not used by residents do not need to meet requirements of WAC 51-51-0330 and must not be accessible to residents.

[Statutory Authority: RCW 70.128.040. WSR 25-04-069, s 388-76-10780, filed 1/31/25, effective 3/4/25. Statutory Authority: RCW 70.128.040 and 70.128.066. WSR 23-12-075, § 388-76-10780, filed 6/6/23, effective 8/1/23. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10780, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10783 Water hazards and bodies of water—Resident safety. The adult family home must protect each resident:

(1) From risks associated with water hazards or bodies of water of any depth at the home; and

(2) When accompanying or escorting the resident at other locations where there are water hazards or bodies of water of any depth.

[Statutory Authority: RCW 70.128.040. WSR 09-03-030, § 388-76-10783, filed 1/12/09, effective 2/12/09.]

WAC 388-76-10784 Water hazards—Fences, gates, and alarms. For any adult family home licensed after July 1, 2007 or any currently licensed adult family home that adds or modifies a new or existing water hazard after July 1, 2007 must ensure:

(1) Pools, spas, and hot tubs are installed according to the requirements of the International Residential Code (IRC) as adopted by the Washington state building code council.

(2) Water hazards over twenty-four inches deep are:

(a) Enclosed by fences and gates at least forty-eight inches high;

(b) Equipped with an audible alarm that sounds when any door, screen, or gate that directly leads to or surrounds the water hazard is opened; and

(c) Secured by locking any doors, screens, or gates that lead directly to or surround the water hazard.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10784, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040. WSR 09-03-030, § 388-76-10784, filed 1/12/09, effective 2/12/09.]

WAC 388-76-10790 Water supply. The adult family home must:

(1) Obtain local health authority approval to use a private water supply;

(2) Provide a clean and healthy drinking water supply for the home; and

(3) Label any nonpotable water to avoid use as a drinking water source.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10790, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10795 Windows. (1) The adult family home must ensure at least one window in each resident bedroom meets the following requirements:

(a) The sill height must not be more than forty-four inches above the finished floor.

For homes licensed after July 1, 2007, the department will not approve alternatives to the sill height requirement such as step(s), raised platform(s), or other devices placed by or under the window openings.

(b) The opening area must be a minimum of 5.7 square feet, except that the openings of windows in rooms at grade level as defined by the

International Residential Code may have a minimum clear opening of 5.0 square feet. The window must also have:

(i) A minimum opening height of twenty-four inches;

(ii) A minimum opening width of twenty inches; and

(c) The home must ensure the bedroom window can be opened from inside the room without keys, tools, or special knowledge or effort to open.

(d) The window must be free from obstructions that might block or interfere with access for emergency escape or rescue.

(2) When resident bedroom windows are fitted with storm windows, the home must equip the storm windows with release mechanisms that:

(a) Easily open from the inside; and

(b) Do not require a key or special knowledge or effort to open.

(3) The home must ensure that each basement window is kept free from obstructions that might block or interfere with access for emergency escape or rescue.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10795, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10795, filed 10/16/07, effective 1/1/08.]

FIRE PROTECTION

WAC 388-76-10800 Adult family home located outside of public fire protection. (1) If the adult family home is located in an area without public fire protection, the home must have written verification of adequate fire protection from the fire authority.

(2) If the local fire authority requires the home to have additional protective measures such as a fire extinguisher with a rating other than that required under WAC 388-76-10810(1), the home must meet this requirement.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10800, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10800, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10805 Automatic smoke alarms. (1) The adult family home must ensure approved automatic smoke alarms are installed and maintained according to manufacturer instructions;

(2) At a minimum, smoke alarms must be located in the following areas:

(a) Every resident bedroom;

(b) In the immediate vicinity of resident bedroom(s), and if applicable, the sleeping areas used by the adult family home staff; and

(c) On every level of a multilevel home.

(3) The home must ensure the smoke alarms in all parts of the home are active and interconnected in such a manner that the activation of one alarm will activate them all. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

(4) Each smoke alarm must be kept in working condition at all times.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10805, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10805, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10810 Fire extinguishers. (1) The adult family home must have an approved five pound 2A:10B-C rated fire extinguisher on each floor of the home.

(2) The home must ensure fire extinguishers are:

(a) Mounted or securely fastened in a stationary position at a minimum of four inches from the floor and a maximum of sixty inches from the floor;

(b) Inspected and serviced annually;

(c) In proper working order;

(d) Accessible at all times; and

(e) Not located behind a locked door.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10810, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040. WSR 08-09-028, § 388-76-10810, filed 4/8/08, effective 5/9/08. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10810, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10815 Notice required—Compliance with building code and fire protection. Before a resident is admitted, the adult family home must disclose in writing in a language understood by the prospective resident the following:

(1) Whether or not resident bedrooms comply with the current building code including evacuation standards; and

(2) If the home is located outside a public fire district, the source and plan for on-site fire protection.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10815, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10825 Space heaters, fireplaces, and stoves. (1) The adult family home must not use oil, gas, kerosene, or electric space heaters that have not been certified by an organization listed as a nationally recognized testing laboratory.

(2) The adult family home must ensure that stoves and heaters do not block resident, staff, or household member escape routes.

(3) The adult family home must ensure that fireplaces, stoves, or heaters that get hot to the touch when in use have a stable, flame-resistant barrier that does not get hot to the touch and that prevents any contact by residents or any flammable materials.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10825, filed 5/17/21, effective 8/1/21. Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10825, filed 10/4/16, effective 11/4/16. Statutory Authority: RCW 70.128.040 and chapters

70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10825, filed 10/16/07, effective 1/1/08.]

DISASTER AND EMERGENCY PREPAREDNESS

WAC 388-76-10830 Emergency and disaster plan—Required. The adult family home must have a written emergency and disaster plan to meet the needs of each resident during emergencies and disasters. The plan must include:

(1) Responding to natural and man-made emergencies and disasters that may reasonably occur at the home;

(2) Actions to be taken by staff and residents during and after an emergency or disaster; and

(3) The fire drill plan for evacuation of the home.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10830, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10830, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10840 Emergency food supply. (1) The adult family home must have an on-site emergency food supply that:

(a) Will last for a minimum of seventy-two hours for each resident and each household member;

(b) Meets the dietary needs of each resident, including any specific dietary restrictions they may have;

(c) Can be stored with other food in the home; and

(d) Is sufficient, safe, sanitary, and uncontaminated.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10840, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10840, filed 1/15/10, effective 2/15/10; WSR 09-03-029, § 388-76-10840, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10840, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10845 Emergency drinking water supply. The adult family home must have an on-site emergency supply of drinking water that:

(1) Will last for a minimum of seventy-two hours for the home's licensed capacity, every household member, and caregiving staff;

(2) Is at least three gallons for the home's licensed capacity, every household member, and caregiving staff;

(3) Is stored in well-sealed food grade or glass containers;

(4) Is chlorinated or commercially bottled;

(5) Is replaced every six months, unless it is sealed and commercially bottled; and

(6) Is stored in a cool, dry location away from direct sunlight.

[Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10845, filed 10/4/16, effective 11/4/16. Statutory Authority:

RCW 70.128.040. WSR 10-03-064, § 388-76-10845, filed 1/15/10, effective 2/15/10; WSR 09-03-029, § 388-76-10845, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10845, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10850 Emergency medical supplies. The adult family home must:

(1) Have emergency medical supplies on-hand for the application of basic first aid during an emergency or disaster in a sufficient amount for the number of residents living in the home;

(2) Replenish the emergency medical supplies as they are used; and

(3) Have a first aid manual.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10850, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10850, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10855 Emergency and disaster plan training—Required. The adult family home must ensure all staff are trained on the emergency and disaster plan and procedures when they begin work in the home and all staff and residents review the emergency and disaster plan and procedures at least annually.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10855, filed 10/16/07, effective 1/1/08.]

FIRE DRILL PLAN FOR EMERGENCY EVACUATION

WAC 388-76-10860 Fire drill plan and procedures for emergency evacuation—Required. The adult family home must:

(1) Have an emergency evacuation plan, including a fire drill plan and procedures for evacuating all residents from the adult family home; and

(2) Not admit or keep residents who cannot safely be evacuated.

[Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10860, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10860, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10865 Resident evacuation from adult family home. (1) The adult family home must be able to evacuate all residents from the home to a safe location outside the home in five minutes or less.

(2) The home must ensure that residents are able to evacuate the home as follows:

(a) Through a door designated as an emergency exit;

(b) Via a path from the resident's bedroom that does not go through other bedrooms; and

(c) Without the resident having to use any of the following:
(i) Elevators;
(ii) Chairlifts; or
(iii) Platform lifts.
(3) Residents who require assistance with evacuation must have a path via an emergency exit to the designated safe location that does not require the use of stairs.
(4) Ramps for residents to enter, exit, or evacuate on homes licensed after November 1, 2016 must:
(a) Comply with chapter 51-51 WAC;
(b) Have a slope measuring no greater than eight and three-tenths percent in the direction of travel; and
(c) Have required landings at the top, bottom, and at any change of direction, with a slope measuring no greater than two percent in the direction of travel.
(5) Homes that serve residents who are not able to hear the fire alarm warning must install visual fire alarms.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10865, filed 5/17/21, effective 8/1/21. Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10865, filed 10/4/16, effective 11/4/16. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10865, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10870 Resident evacuation capability levels—Identification required. The adult family home must ensure that each resident's assessment, preliminary service plan, and negotiated care plan identifies and describes the resident's ability to evacuate the home according to the following descriptions:
(1) Independent: Resident is physically and mentally capable of independently evacuating the home without the assistance of another individual or the use of mobility aids. The department will consider a resident independent if capable of getting out of the home after one cue.
(2) Assistance required: Resident is not physically or mentally capable of evacuating the home without assistance from another individual, mobility aids, or multiple cues.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10870, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10870, filed 1/15/10, effective 2/15/10; WSR 09-03-029, § 388-76-10870, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10870, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10885 Elements of emergency evacuation floor plan. The adult family home must develop an emergency evacuation floor plan for each level of the home that:
(1) Is accurate and includes all rooms, hallways, and exits (such as doorways and windows) to the outside of the home;

(2) Illustrates the emergency evacuation route(s) to exit the home, with the route to the emergency exit door being easily identifiable; and

(3) Identifies the designated safe location for the residents to meet outside the home.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10885, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10885, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10890 Posting the emergency evacuation floor plan—Required. The adult family home must display an emergency evacuation floor plan on each floor of the home and the plan must:

(1) Be posted in a visible location commonly used by residents, staff, and visitors alike; and

(2) Illustrate the evacuation route from the rooms on that floor to the designated safe location outside the home.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10890, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10890, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10895 Emergency evacuation drills—Frequency and participation. (1) There are two types of emergency evacuation drills:

(a) A full evacuation is evacuation from the home to the designated safe location; and

(b) A partial evacuation is evacuation to the designated emergency exit.

(2) The adult family home must conduct:

(a) Partial emergency evacuation drills which occur during random staffing shifts at least every two months, with each resident participating in at least one each calendar year;

(b) A full emergency evacuation drill at least once each calendar year, with all residents participating in the drill together and at the same time; and

(c) Emergency evacuation drills even if there are no residents living in the home for the purpose of staff practice.

(3) The home must respect the resident's right to refuse to participate in emergency evacuation drills. However, the home must still demonstrate the ability to safely evacuate all residents doing the following:

(a) Documenting the resident's wish to refuse to participate in the negotiated care plan;

(b) Providing an estimate of the amount of time it would take to evacuate the resident and how they calculated this estimate in the negotiated care plan;

(c) Adding the estimated time to the time recorded on the emergency evacuation drill log after each drill to ensure the length of time to evacuate does not exceed five minutes; and

(d) Continuing to offer the resident a chance to participate in every evacuation drill.

[Statutory Authority: RCW 70.128.040, 70.128.065, and 45 C.F.R. § 1324.11 (e)(2). WSR 26-17-004, s 388-76-10895, filed 8/5/26, effective 9/20/26. Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10895, filed 5/17/21, effective 8/1/21. Statutory Authority: Chapter 70.128 RCW. WSR 16-20-095, § 388-76-10895, filed 10/4/16, effective 11/4/16. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10895, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10900 Documentation of emergency evacuation drills—Required. The adult family home must document the following for all emergency evacuation drills:

(1) Names of each resident and staff involved in the drill;
(2) Name of the person conducting the drill;
(3) Date and time of the drill;
(4) Whether the drill was a full or partial emergency evacuation; and
(5) The length of time it took to complete the evacuation.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10900, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10900, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10905 Emergency evacuation—Notification of department required. The adult family home must notify the department's complaint resolution unit as soon as possible after resident safety is secure when:

(1) The home is on emergent stand-by for evacuation;
(2) There is any fire; or
(3) Residents were evacuated from the home.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10905, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10905, filed 10/16/07, effective 1/1/08.]

INSPECTIONS—COMPLAINT INVESTIGATIONS—MONITORING VISITS

WAC 388-76-10910 Inspections—Complaint investigations—Monitoring visits—General. The department must conduct unannounced inspections, complaint investigations and monitoring visits to determine if the adult family home is in compliance with chapters 70.128, 70.129 and 74.34 RCW, this chapter and other applicable laws and regulations.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10910, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10911 Inspections—Multiple adult family home providers. (1) In the event of serious noncompliance leading to the imposi-

tion of one or more actions listed in RCW 70.128.160(2) on a home operated by a provider with multiple adult family homes, all other homes operated by the provider must be inspected to determine if the same or related deficiencies are present in those homes.

(2) The department may issue fines under RCW 70.128.065(5) of up to three hundred dollars for each inspection when one or more actions listed in RCW 70.128.160(2) is imposed on a multiple home provider and inspections of the other homes are required to determine whether the same or related deficiencies are present in those homes.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10911, filed 12/7/11, effective 1/7/12.]

WAC 388-76-10912 Inspection timelines. (1) In response to the COVID-19 pandemic, the governor suspended the requirement for the department to conduct full licensing inspections of adult family homes required by RCW 70.128.070 (2)(b).

(2) During the suspension of the full licensing inspection requirements, the department continued to conduct complaint investigations in adult family homes when it became aware of information that indicated an immediate threat to resident health and safety may exist.

(3) The department must prioritize and resume full licensing inspections of adult family homes affected by the suspension of the inspection requirements by applying the following criteria collectively:

(a) The department has identified an ongoing threat to the health and safety of residents through one or more reported complaints, previous inspections, or previous investigations;

(b) Whether the adult family home has had a remedy imposed in the last 24 months; and

(c) The length of time since the last full licensing inspection of the adult family home.

(4) The department must conduct a full licensing inspection for adult family homes licensed after the reinstatement of RCW 70.128.070 (2)(b) in accordance with the schedule set by that section.

[Statutory Authority: RCW 18.20.090, 70.97.100, 70.97.230, 70.128.040, and 74.42.620. WSR 22-17-051, § 388-76-10912, filed 8/11/22, effective 9/11/22.]

WAC 388-76-10915 Department staff access—Willful interference prohibited. The adult family home must ensure:

(1) Department staff have access to:

(a) The home, residents, including former residents;

(b) Resident records, includes former residents records;

(c) Facility staff and relevant staff records; and

(d) Financial records of the business if good cause to believe that a financial obligation related to resident care or services will not be met.

(2) The home and staff do not willfully interfere or fail to cooperate with department staff in the performance of official duties.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10915, filed 12/7/11, effective 1/7/12. Statutory Authority:

RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10915, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10920 Inspection and investigation reports—Provided by department. The department will mail or hand deliver the department's report to the adult family home:

(1) Within ten working days of completion of the inspection process; or

(2) Within ten calendar days of completion of the inspection if the home does not have a deficiency.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10920, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10920, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10925 Disclosure of inspection and complaint investigation reports. (1) The department will make copies available to the public, subject to applicable public disclosure and confidentiality requirements, of:

(a) Inspection and complaint investigation reports as soon as they are completed; and

(b) Any final written decision by the department to take an enforcement action.

(2) Upon request, the department will provide the public with copies of the home's plan of correction if a copy is available at the time of the request.

[Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10925, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10925, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10930 Plan of correction (POC)—When required. (1) When the department finds the adult family home out of compliance with any licensing law or regulation, the department will send the home an inspection report for each cited deficiency.

(2) The adult family home must complete an attestation of correction for each cited deficiency as the department requires.

(3) For the purposes of this section an "attestation of correction statement" means a statement signed and dated by the home, that the home:

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

(b) Will maintain correction of each cited deficiency.

(4) The home must be able to show to the department, upon request, that, for each deficiency cited, the home has:

(a) A plan of correction and maintaining correction;

(b) Corrected or is correcting each deficiency; and

(c) Maintained or is maintaining compliance.

(5) On each attestation of correction statement, the home must:

(a) Give a date, approved by the department, showing when the cited deficiency has been or will be corrected; and

(b) By signature and date show that the home has or will correct, and maintain correction, of each deficiency.

(6) The home must return the inspection report, with completed attestation of correction statements, to the department within 10 calendar days of receiving the report.

(7) This section does not apply where the department takes action to summarily suspend or revoke the adult family home license under its authority in RCW 70.128.100 or 70.128.160.

[Statutory Authority: RCW 70.128.040, 70.128.065, and 45 C.F.R. § 1324.11 (e)(2). WSR 26-17-004, s 388-76-10930, filed 8/5/26, effective 9/20/26. Statutory Authority: RCW 70.128.040. WSR 09-03-029, § 388-76-10930, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10930, filed 10/16/07, effective 1/1/08.]

RESIDENT ADVOCATE ACCESS

WAC 388-76-10935 Washington protection and advocacy—Long-term care ombudsman—Official duties—Penalty for interference. The adult family home must not willfully interfere with a representative of the following in the performance of official duties:

(1) Washington protection and advocacy system as defined under RCW 71A.10.080; or

(2) Long-term care ombuds as defined under chapter 43.190 RCW, the state regulations for the long-term care ombudsman and under federal law.

(3) The department must impose a civil penalty as per WAC 388-76-10975 for any such willful interference with a representative of the long-term care ombuds program.

[Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10935, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10935, filed 10/16/07, effective 1/1/08.]

REMEDIES

WAC 388-76-10940 Remedies—Generally. The department may take one or more of the following actions in any case which the department finds that an adult family home failed or refused to comply with the applicable requirements of chapters 70.128, 70.129, or 74.34 RCW or this chapter:

(1) Denial of an application for a license;

(2) Impose reasonable conditions on a license;

(3) Impose civil penalties;

(4) Order stop placement; and/or

(5) Suspension or revocation of a license.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10940, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10945 Remedies—Imposition of remedies. The department must impose a remedy or remedies listed in WAC 388-76-10940 when violations of chapter 70.128, 70.129 and 74.34 RCW and this chapter are:

(1) Repeated;

(2) Uncorrected;

(3) Pervasive; or

(4) Present a threat to the health, safety, or welfare of one or more residents.

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10945, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10945, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10950 Remedies—History and actions by individuals. The department will consider the history and actions of the following individual or combination of individuals when imposing remedies:

(1) Applicant;

(2) Provider;

(3) Entity representative;

(4) Person affiliated with the applicant;

(5) Resident manager;

(6) A partner, officer, director or managerial employee of the entity;

(7) Spouse of the provider or entity representative;

(8) An owner:

(a) Of fifty-one percent or more of the entity; or

(b) Who exercises control over the daily operations of the home;

(9) A caregiver;

(10) Any person who:

(a) Has unsupervised access to residents in the home; or

(b) Lives in the home but who is not a resident; or

(11) Any affiliated entities.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 20-05-016, § 388-76-10950, filed 2/6/20, effective 3/8/20. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10950, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10955 Remedies—Department must impose remedies. (1) The department must impose a remedy or remedies if the department substantiates a complaint involving harm to a resident and violation of an applicable law or rule.

(2) The department must impose a remedy or remedies if the department substantiates, after licensure, that it has been less than twenty years since the adult family home voluntarily surrendered or relinquished an adult family home license in lieu of department initiated denial, suspension, nonrenewal, or revocation of a license.

(3) The department must impose a remedy or remedies if the department finds any person listed in WAC 388-76-10950:

(a) A court has issued a permanent restraining order or order of protection either active or expired, against the individual that was

based upon abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult;

(b) The individual is a registered sex offender;

(c) The individual is on a registry based upon a final finding of abuse, neglect or, financial exploitation of a vulnerable adult, unless the finding was made by adult protective services prior to October 2003;

(d) A founded finding of abuse or neglect of a child was made against the individual, unless the finding was made by child protective services prior to October 1, 1998;

(e) The individual has had a contract or license denied, terminated, revoked, or suspended due to abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult; or

(f) The individual has relinquished a license or terminated a contract because an agency was taking an action against the individual related to alleged abuse, neglect, financial exploitation or mistreatment of a child or vulnerable adult.

[Statutory Authority: RCW 74.39A.056 and chapters 74.34, 18.20 RCW. WSR 14-14-028, § 388-76-10955, filed 6/24/14, effective 7/25/14. Statutory Authority: RCW 70.128.040. WSR 12-16-087, § 388-76-10955, filed 7/31/12, effective 8/31/12; WSR 10-03-064, § 388-76-10955, filed 1/15/10, effective 2/15/10; WSR 09-03-028, § 388-76-10955, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10955, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10960 Remedies—Department may impose remedies. The department may impose a remedy or remedies if the department finds any person listed in WAC 388-76-10950:

(1) Has been convicted of:

(a) Any felony that the department determines is reasonably related to the competency of the person to be involved in the ownership or operation of an adult family home; or

(b) A crime involving a firearm used in the commission of a felony or in any act of violence against a person.

(2) Has engaged in the illegal use, sale or distribution of drugs or excessive use of alcohol or drugs without the evidence of rehabilitation;

(3) Has committed an act of domestic violence toward a family or household member;

(4) Has been found in any final decision of a federal or state agency to have abandoned, neglected, abused, or financially exploited a vulnerable adult, unless such decision requires imposition of a remedy under WAC 388-76-10955;

(5) Has had a license for the care of children or vulnerable adults denied, suspended, revoked, or not renewed;

(6) Has a history of violations of chapter 70.128 RCW, or any law regulating residential care facilities, that resulted in revocation, suspension, or nonrenewal of a license with the department;

(7) Has been enjoined from operating a facility for the care and services of children or adults;

(8) Has had a medicaid or medicare provider agreement or any other contract for the care and treatment of children or vulnerable

adults, terminated, cancelled, suspended, or not renewed by any public agency, including a state medicaid agency;

(9) Has been the subject of 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;

(10) Has obtained or attempted to obtain a license by fraudulent means or misrepresentation;

(11) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a license or any data attached to the application, or in any matter involving the department;

(12) Permitted, aided, or abetted the commission of any illegal act on the adult family home premises;

(13) Willfully prevented, interfered with, or failed to cooperate with any inspection, investigation, or monitoring visit made by the department, including refusal to permit authorized department representatives to interview residents or have access to their records;

(14) Failed or refused to comply with:

(a) A condition or limit imposed on a license or a stop placement order; or

(b) The requirements of chapters 70.128, 70.129, 74.34 RCW, this chapter or any other applicable laws.

(15) Misappropriated property of a resident, unless such action requires a remedy under WAC 388-76-10955;

(16) Exceeded licensed capacity in the operation of an adult family home;

(17) Operated a facility for the care of children or adults without a license or with a revoked license;

(18) In connection with the operation of any facility for the care of children or adults, relinquished or returned a license, or did not seek license renewal following written notification that the licensing agency intends to deny, suspend, cancel or revoke the license, unless such action requires imposition of a remedy under WAC 388-76-10955;

(19) When providing care to children or vulnerable adults, has had resident trust funds or assets seized by the Internal Revenue Service or a state entity for failure to pay income or payroll taxes;

(20) Failed to meet financial obligations as the obligations fell due in the normal course of owning or operating a business involved in the provision of care and services to children or vulnerable adults;

(21) Has failed to meet personal financial obligations and that failure has resulted in a failure to provide necessary care and services to the residents;

(22) Interfered with a long-term care ombuds or department staff in the performance of his or her duties; or

(23) Failed to relinquish or surrender the license as required.

[Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10960, filed 1/12/15, effective 2/12/15; WSR 12-01-004, § 388-76-10960, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10960, filed 1/15/10, effective 2/15/10; WSR 09-03-028, § 388-76-10960, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10960, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10965 Remedies—Specific—Denial of application for license. The department decision to deny an application for a license is specified in:

(1) WAC 388-76-10115;
(2) WAC 388-76-10120;
(3) WAC 388-76-10125; and
(4) WAC 388-76-10940.

[Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10965, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10970 Remedies—Specific—Condition(s) on license. (1) The department may impose reasonable conditions or limits on a new or current license.

(2) Conditions or limits the department may impose on a license include, but are not limited to, the following:

(a) Correction of deficiencies within a specified time;
(b) Training related to the deficiencies;
(c) Limits on the type of residents the adult family home may admit or serve;
(d) Discharge of any resident when the department finds discharge is needed to meet that resident's needs or for the protection of other residents;
(e) Change in license capacity;
(f) Removal of the adult family home's designation as a specialized home;
(g) Prohibition of access to residents by a specified person; and
(h) Demonstration of ability to meet financial obligations necessary to continue operation.

[Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10970, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10970, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10975 Remedies—Specific—Civil penalties. (1) The department may impose civil penalties of at least one hundred dollars per day per violation:

(a) Fines up to one thousand dollars can be issued under RCW 70.128.150 for willful interference with a representative of the long-term care ombuds; and

(b) Fines up to three thousand dollars can be issued under RCW 74.39A.060 for retaliation against a resident, employee, or any other person making a complaint, providing information to, or cooperating with, the ombuds, the department, the attorney's general office, or a law enforcement agency; and

(c) Fines up to ten thousand dollars may be issued under RCW 70.128.065(2) for a current or former licensed provider who is operating an unlicensed home.

(2) When the adult family home fails to pay a fine under this chapter when due, the department may, in addition to other remedies, withhold an amount equal to the fine plus interest, if any, from any contract payment due to the provider from the department.

(3) Civil monetary penalties are due twenty-eight days after the adult family home or the owner or operator of an unlicensed adult family home is served with notice of the penalty unless the adult family home requests a hearing in compliance with chapter 34.05 RCW, RCW 43.20A.215, and this chapter. If the hearing is requested, the penalty becomes due ten days after a final decision in the department's favor is issued. Thirty days after the department serves the adult family home with notice of the penalty, interest begins to accrue at a rate of one percent per month as authorized by RCW 43.20B.695.

[Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10975, filed 1/12/15, effective 2/12/15; WSR 12-01-004, § 388-76-10975, filed 12/7/11, effective 1/7/12. Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10975, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10975, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10976 Remedies—Civil fine grid. The department will consider the guidance in the tiered sanction grid below when imposing civil fine remedies:

NO HARM	MINIMAL or MODERATE HARM		SERIOUS HARM		IMMINENT DANGER and/or IMMEDIATE THREAT
Repeat / Uncorrected	Initial	Repeat / Uncorrected	Initial	Repeat / Uncorrected	Any Violation
Civil fine of at least $100 per violation	Civil fine up to $500 per violation or a daily civil fine of at least $250 per day	Civil fine up to $1,000 per violation or a daily civil fine of at least $500 per day	Civil fine up to $2,000 per violation or a daily civil fine of at least $1,000 per day	Civil fine up to $3,000 per violation or a daily civil fine of at least $1,500 per day	Civil fine of $3,000 or daily civil fine of at least $1,000 per day

[Statutory Authority: Chapter 70.128 RCW. WSR 12-01-004, § 388-76-10976, filed 12/7/11, effective 1/7/12.]

WAC 388-76-10980 Remedies—Specific—Stop placement—Admissions prohibited. (1) The department may order stop placement and prohibit the admission of residents if the home does not meet the requirements of chapters 70.128, 70.129, 74.34 RCW or this chapter.

(2) Once imposed, the adult family home must:

(a) Publicly post the stop placement order or limited stop placement order in a location visible to residents, visitors, and staff within the adult family home, per requirements listed in RCW 70.128.306;

(b) Leave the notice in place until the department has terminated the stop placement order or limited stop placement order; and

(c) Not admit any person until the stop placement order is terminated.

(3) If the home requests, the department may approve readmission of a resident to the home from a hospital or nursing home during the stop placement.

(4) The department must end the stop placement only after the department finds the:

(a) Deficiencies necessitating the stop placement have been corrected; and

(b) Home can show it has the capacity to maintain adequate care and service.

[Statutory Authority: RCW 18.20.090, 18.51.070, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 26-05-046, s 388-76-10980, filed 2/12/26, effective 3/15/26. Statutory Authority: RCW 18.20.090, 70.97.230, 70.128.040, chapters 70.129, 74.42, and 74.39 RCW. WSR 25-16-099, s 388-76-10980, filed 8/6/25, effective 9/6/25. Statutory Authority: Chapter 70.128 RCW. WSR 15-03-037, § 388-76-10980, filed 1/12/15, effective 2/12/15. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10980, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10985 Remedies—May extend to multiple homes. (1) If a licensed provider also operates an unlicensed adult family home, the department may impose a remedy or remedies listed in WAC 388-76-10940 on the licensed adult family home or homes.

(2) If violations in an adult family home are of such nature as to present a serious risk or harm to residents of other homes operated by the same provider, the department may impose remedies on those other homes.

[Statutory Authority: RCW 70.128.040. WSR 10-04-008, § 388-76-10985, filed 1/22/10, effective 2/22/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10985, filed 10/16/07, effective 1/1/08.]

INFORMAL DISPUTE RESOLUTION, NOTICE AND APPEALS

WAC 388-76-10990 Informal dispute resolution (IDR). (1) When an adult family home disagrees with the department's finding of a violation under this chapter, the adult family home has the right to have the violation reviewed by the department under the department's dispute resolution process.

(2) The purpose of the review is to give the adult family home an opportunity to present information that might warrant modification or deletion of a finding of a violation.

(3) The adult family home may submit a written statement for review.

(4) In addition to a written statement, the adult family home may ask to present the information in person to a department designee.

(5) Requests for review must be made in writing to the department at the address provided in the department's certified notice within ten working days of receipt of the written finding of a violation.

(6) Orders of the department imposing license suspension, stop placement, or conditions on a license are effective immediately upon notice and shall continue pending dispute resolution.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10990, filed 1/15/10, effective 2/15/10. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10990, filed 10/16/07, effective 1/1/08.]

WAC 388-76-10995 Notice, hearing rights, and effective dates relating to imposition of remedies. (1) Chapter 34.05 RCW applies to department actions under this chapter and chapter 70.128 RCW, except that orders of the department imposing license suspension, stop placement, or conditions on license are effective immediately upon notice and must continue pending a final administrative decision.

(2) An adult family home contesting the imposition of any remedy by the department must within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt to the agency at the mailing address contained in the department's notice imposing the remedy; and

(b) Include in or with the application:

(i) The reasons for contesting the department decision; and

(ii) A copy of the contested department decision.

(3) Administrative proceedings are governed by chapter 34.05 RCW, RCW 43.20A.215, where applicable, this section, and chapter 388-02 WAC. If any provision in this chapter conflicts with chapter 388-02 WAC, the provision in this chapter applies.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-10995, filed 1/15/10, effective 2/15/10; WSR 09-03-029, § 388-76-10995, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10995, filed 10/16/07, effective 1/1/08.]

MANAGEMENT AGREEMENTS

WAC 388-76-11050 Management agreements—General. (1) As used in WAC 388-76-11050 through 388-76-11070, the term "manager" means the individual or entity providing management services under a management agreement. It does not mean a resident manager.

(2) The requirements contained in WAC 388-76-11050 through 388-76-11070 apply to management agreements and not the temporary management program described in RCW 70.128.163.

(3) If the adult family home contracts with a manager, the adult family home must have a written management agreement that is consistent with chapter 388-76 WAC requirements.

(4) The adult family home must notify the department of its use of a manager when:

(a) Entering into a management agreement following initial licensure;

(b) Changing managers; or

(c) Modifying an existing management agreement.

(5) An applicant must notify the department of its use of a manager when:

(a) Applying for an adult family home license; or

(b) Entering into a management agreement prior to licensure.

(6) The adult family home must submit the written management agreement, including an organizational chart which shows the relationship between the adult family home, manager, and all related entities, including manager staff.

(7) The adult family home must submit a management agreement attestation form signed and dated by the home and the manager to demonstrate that both understand and agree to comply with the requirements of chapter 388-76 WAC.

(8) The written management agreement must be submitted to the department:

(a) With the initial license, change of ownership, or change of location applications; and

(b) 60 days prior to the proposed change of ownership date or the effective date of the management agreement.

(9) The adult family home must submit any amendment to an existing management agreement to the department 30 days before the amendment takes effect.

(10) The adult family home must notify current residents and their representatives 60 days before the effective date of the management agreement.

[Statutory Authority: RCW 70.128.040 and 70.128.066. WSR 23-12-075, § 388-76-11050, filed 6/6/23, effective 8/1/23. Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11050, filed 1/15/10, effective 2/15/10.]

WAC 388-76-11055 Management agreements—Adult family home. (1) The adult family home is responsible for:

(a) The daily operations and provision of care and services to residents;

(b) Compliance with all applicable laws and rules;

(c) Ensuring the manager complies with the management agreement; and

(d) Ensuring the manager does not represent itself as, or give the appearance that it is the provider.

(2) The adult family home may not give the manager responsibilities that are so extensive the adult family home is relieved of responsibility for the daily operations and provision of care and services to residents. If the adult family home relinquishes responsibility for daily operation and provision of care and services to residents, the department will determine that a change of ownership has occurred. If the department determines a change of ownership has occurred, then the department may take licensing action.

(3) The adult family home and manager must act in accordance with the terms of the department approved management agreement. If the department determines they are not, then the department may take licensing action.

(4) The adult family home may enter into a management agreement only if the management agreement creates a principal/agent relationship between the adult family home and manager.

[Statutory Authority: RCW 70.128.040 and 70.128.066. WSR 23-12-075, § 388-76-11055, filed 6/6/23, effective 8/1/23. Statutory Authority: RCW

70.128.040. WSR 10-03-064, § 388-76-11055, filed 1/15/10, effective 2/15/10.]

WAC 388-76-11060 Terms of the management agreement. Management agreements, at a minimum must:

(1) Describe the responsibilities of the adult family home and manager, including items, services, and activities to be provided;

(2) Maintain and retain all records in accordance with this chapter;

(3) Allow the department unlimited access to documentation and records according to applicable laws or regulations;

(4) Require the manager to immediately send copies of inspections and notices of noncompliance to the adult family home;

(5) Require the adult family home's governing body, board of directors or similar authority to appoint the entity representative;

(6) Require the adult family home to participate in monthly oversight meetings and at minimum, quarterly on-site visits to the home;

(7) State that the adult family home is responsible for reviewing, acknowledging and signing all initial, change of ownership, and change of location license applications;

(8) State that the adult family home and manager will review the management agreement annually and notify the department of change according to applicable regulations;

(9) Acknowledge that the adult family home is the party ultimately responsible for complying with all applicable laws and rules;

(10) Require the adult family home to oversee and maintain ultimate responsibility for:

(a) All personnel issues relating to the operation of the home;

(b) The care, services, and safety of all residents; and

(c) Staffing plans, staff, volunteer and student orientation and training;

(11) State the manager will not represent itself or give the appearance it is the provider;

(12) State that a duly authorized manager may execute resident leases or agreements on behalf of the adult family home, however all such resident leases or agreements must be between the adult family home and the resident or the resident's representative.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11060, filed 1/15/10, effective 2/15/10.]

WAC 388-76-11065 Management agreements—Department review. (1) Upon receipt of a proposed management agreement, the department may require:

(a) The adult family home to provide additional information or clarification;

(b) Changes necessary to:

(i) Bring the management agreement into compliance with this chapter; and

(ii) Ensure that the adult family home has continued to have ultimate responsibility for the daily operations of the home.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11065, filed 1/15/10, effective 2/15/10.]

WAC 388-76-11070 Management agreements—Resident funds. (1) If the management agreement delegates day-to-day management of resident personal funds to the manager, the adult family home must:

(a) Retain all fiduciary and custodial responsibility for funds that have been deposited with the adult family home by the resident;

(b) Remain directly accountable to the residents and resident representatives for such funds; and

(c) Ensure any party responsible for holding or managing resident's personal funds:

(i) Is bonded or obtains insurance in sufficient amounts to specifically cover losses of resident funds;

(ii) Provides proof of bond or insurance; and

(iii) Provides proof of payment of the bond or insurance premium.

(2) If responsibilities for the day-to-day management of the resident funds are delegated to the manager, the manager must:

(a) Give the adult family home a monthly accounting of the residents' funds;

(b) Meet all legal requirements related to holding, and accounting for, resident funds; and

(c) Comply with all requirements under this chapter relating to residents rights and financial affairs.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11070, filed 1/15/10, effective 2/15/10.]

NOTICE

WAC 388-76-11080 Notice—Service complete. Service of the department notices is complete when:

(1) Personal service is made;

(2) The notice is addressed to the home or the individual at his or her last known address, and deposited in the United States mail;

(3) The notice is faxed and the department receives evidence of transmission;

(4) Notice is delivered to a commercial delivery service with charges prepaid; or

(5) Notice is delivered to a legal messenger service with charges prepaid.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11080, filed 1/15/10, effective 2/15/10.]

WAC 388-76-11085 Notice—Proof of service. The department may establish proof of service by any of the following:

(1) A declaration of personal service;

(2) An affidavit or certificate of mailing to the adult family home or to the individual to whom the notice is directed;

(3) A signed receipt from the person who accepted the certified mail, the commercial delivery service, or the legal messenger service package; or

(4) Proof of fax transmission.

[Statutory Authority: RCW 70.128.040. WSR 10-03-064, § 388-76-11085, filed 1/15/10, effective 2/15/10.]