

Title 248 WAC
HEALTH, BOARD AND DIVISION OF
DEPARTMENT OF SOCIAL AND HEALTH
SERVICES

Chapters

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Chapter 248-14 WAC
NURSING HOMES

WAC

- 248-14-001 Definitions.
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WAC 248-14-001 Definitions. (1) All adjectives and adverbs such as adequate, approved, immediately, qualified, reasonable, reputable, satisfactory, sufficient, or suitable, used in these nursing home regulations to qualify a requirement shall be as determined by the department with the advice and guidance of the nursing home advisory council and the state board of health.

(2) "Activity director" means an employee responsible for the development, implementation, and maintenance of a program for residents intended to provide activities to meet the residents' needs and interests.

(3) "Alterations" means physical, mechanical, or electrical changes made to existing facilities except for painting or repair.

(4) "Ambulatory person" means a person, who, unaided by another person, is physically and mentally capable of walking a normal path to safety, including the ascent and descent of stairs.

(5) "Attending physician" means the doctor responsible for a particular person's total medical care.

(6) "Authorized practitioner" means:

(a) A certified registered nurse under chapter 18.88 RCW when authorized by the board of nursing;

(b) An osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners; or

(c) A physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners.

(7) "Background inquiry" means a written request to the department to determine if an individual has been convicted of:

(a) A crime against persons as defined under RCW 43.43.830;

(b) Crimes relating to financial exploitation as defined under RCW 43.43.830;

(c) Found by a court in a domestic relations proceeding under Title 26 RCW to have abused or financially exploited a vulnerable adult.

(8) "Bathing facility" means a bathtub or shower.

(9) "Berm" means a bank of earth piled against a wall.

(10) "Change of ownership" means a change in the individual or legal organization responsible for the daily operation of a nursing home.

(a) Events which change ownership include, but are not limited to, the following:

(i) The form of legal organization of the licensee is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Title to the nursing home business enterprise is transferred by the licensee to another party;

(iii) Where the licensee is a partnership, any event occurs which dissolves the partnership;

(iv) Where the licensee is a corporation, fifty percent or more of the corporation's stock is transferred on or after January 1, 1994, the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation; or

(v) Any other event occurs which results in a change of operating entity.

(b) Ownership does not change when the following, without more, occur:

(i) A party contracts with the licensee to manage the enterprise as the licensee's agent, i.e., subject to the licensee's general approval of daily operating decisions; or

(ii) The real property or personal property assets associated with the nursing home change ownership or are leased, or a lease of them is terminated, without a change of operating entity.

(11) "Citation" means the finding written by a surveyor on an official state and/or federal statement of deficiencies form following a full survey, post survey, or complaint investigation.

(12) "Cognitively impaired" means a diminished perception, reasoning, intuition or memory, and absence or reduction of intellectual faculties as in dementia, including Alzheimer's disease or a related disorder.

(13) "Contact with animals" means close proximity to animals to allow for close observation, interaction, handling, or petting achieved by either animals:

(a) Being brought into the nursing home on a regular basis; or

(b) Allowed to live on the nursing home premises.

(14) "Department" means the state department of social and health services.

(15) "Dialysis" means the process of separating crystalloids and colloids in solution by means of the crystalloids and colloids unequal diffusion through a natural or artificial, semipermeable membrane.

(a) "Acute dialysis" means hemodialysis or peritoneal dialysis in the treatment of a person with renal failure for a period of time during which it is medically determined whether renal function may be restored or the failure is irreversible.

(b) "Dialysis helper" means a health care assistant trained by a kidney center under RCW 18.135.060.

(16) "Dialysis room" means a room where a patient undergoes dialysis.

(17) "Dietetic service supervisor" means a person who:

(a) Is a dietitian; or

(b) Has completed or is enrolled with a set date of completion in a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American Dietetic Association; or

(c) Has completed or is enrolled with a set date of completion in a state-approved training program providing ninety or more hours of classroom instruction in food service supervision, and has experience in a health care institution.

(18) "Dietitian" means a person who is eligible for registration by the commission on dietetic registration of the American Dietetic Association based on the 1982 criteria for registration. A person not meeting this definition but employed in that capacity by a nursing home or homes on or before the effective date of this regulation will be deemed to meet the requirement of WAC 248-14-230(5). This grandfather clause is only effective as long as the:

(a) Person continues employment with the same nursing home or homes; and

(b) Nursing home has no serious deficiencies in dietary services.

(19) "Disclosure statement" means a signed statement by an individual indicating whether or not the individual was:

(a) Convicted of any crime against persons as defined under RCW 43.43.830;

(b) Convicted of crimes relating to financial exploitation as defined under RCW 43.43.830;

(c) Found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor;

(d) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor;

(e) Found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult; or

(f) Found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult.

(20) "Drug" means:

(a) A substance recognized as a drug in the official *United States Pharmacopoeia*, *Official Homeopathic Pharmacopoeia of the United States*, or any supplement to any of the listed publications;

(b) A substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man;

(c) "Drug administration" means the direct application of a drug by injection, inhalation, ingestion, or any other means to the body of a resident;

(d) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, under the order, the proper selection, measuring, labeling, packaging, and issuance of the drug or biological to a residential care unit; and

(e) "Legend drug" means a drug bearing the legend, "caution, federal law prohibits dispensing without a prescription."

(21) "Drug facility" means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

(22) "End stage renal disease (ESRD)" means the stage of renal impairment, virtually always irreversible and

permanent, requiring dialysis or kidney transplantation to ameliorate uremic symptoms and maintain life.

(23) "Facilities" means a room or area and/or equipment to serve one or more specific functions.

(24) "Grade" means the level of ground adjacent to the building floor level measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

(25) "Immediate supervision" means on-site supervision of one or more persons.

(26) "Kidney center" means a hospital-based or independent dialysis facility, as defined and certified by the federal government, to provide dialysis and related services and provide services as specified in WAC 248-30-090.

(27) "Lavatory" means a handwashing sink.

(28) "Licensed nurse" means either a registered nurse or a licensed practical nurse.

(a) "Licensed practical nurse" means a person duly licensed under the provisions of the Licensed Practical Nurse Act of the state of Washington, chapter 18.78 RCW.

(b) "Registered nurse" means a person duly licensed under the provisions of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW.

(29) "New construction" means the following, when the preliminary plans have not been reviewed and accepted at the time of adoption of these regulations:

(a) New buildings to be used as a nursing home;

(b) Additions to buildings used as a nursing home;

(c) Conversions of existing buildings including previously licensed nursing homes; and

(d) Alterations.

(30) "Nursing care" means services designed to maintain or promote achievement of optimal independent function and health status planned, supervised, and evaluated by a registered nurse in the context of an overall individual plan of care.

(31) "Nursing home" means any home or institution operating or maintaining facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours.

(a) A nursing home cares for three or more residents not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable to properly care for themselves.

(b) Convalescent and chronic care may include, but not be limited to, any or all procedures commonly employed in waiting on the sick, such as:

(i) Administration of medicines;

(ii) Preparation of special diets;

(iii) Giving of bedside nursing care;

(iv) Application of dressings and bandages; and

(v) Carrying out of treatment prescribed by a duly licensed practitioner of the healing arts.

(c) Nothing in the nursing home definition shall be construed to include facilities precluded by RCW 18.51.010 and 18.51.170; and

(d) Licensed nursing home beds shall not be licensed for any other purpose or use specifically regulated under state

law; except, beds dually licensed for five years or more may continue to be dually licensed if the licensing does not adversely affect the quality of care provided.

(32) "Nurse pool agency" means a business licensed under chapter 18.52C RCW.

(33) "Nursing services" means an organized department under the direction of a registered nurse, the members of which provide nursing care.

(34) "Outpatient service" means any service provided to a nonresident of the nursing home.

(35) "Patient" means a person receiving preventive, diagnostic, therapeutic, habilitative, rehabilitative, maintenance, or palliative health-related services under professional direction.

(a) "Inpatient" means a resident receiving services with board and room in a nursing home on a continuous twenty-four-hour-a-day basis.

(b) "Outpatient" means a nonresident of the nursing home receiving services at a nursing home not providing the nonresident the services with room and board on a continuous twenty-four-hour-a-day basis.

(c) "Resident requiring skilled nursing care" means a resident whose condition, needs, and/or services are of such complexity and sophistication to require the frequent or continuous observation and intervention of a registered nurse, and the supervision of a licensed physician. A resident requires ongoing assessments of physiological and/or psychological needs, and the development and implementation of a comprehensive plan of care involving interdisciplinary planning input and coordination. Resident needs include ongoing evaluations, care plan revisions, and the teaching necessary to provide for residents whose condition is unstable and/or complex.

(d) "Residents requiring intermediate nursing care" means residents whose physiological and psychological functioning is stable, but require individually planned treatment and services under the daily direction of a registered nurse or a licensed nurse with registered nurse consultation as provided by exemption and the supervision of a licensed physician. The program is directed toward maintenance of maximum independence and return to the community whenever possible. The program includes an established treatment regimen involving more than supervision, assistance with personal care, and protection.

(e) "Residents requiring care for mental retardation or related conditions" means residents found eligible by the division of developmental disabilities and requiring health care services under subsection (34)(c) or (d) of this section, and are in need of a comprehensive habilitative and/or developmental program incorporated into a twenty-four-hour overall program plan.

(36) "Peninsular (or island) bathtub" means a bathtub having sufficient clearances around both sides and one end to accommodate residents, equipment, and attendants.

(37) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy under the provisions of chapter 18.64 RCW.

(38) "Pharmacy" means a place where the practice of pharmacy is conducted, properly licensed under the provisions of chapter 18.64 RCW.

(39) "Physician's assistant" means a person acting as an extender for a designated physician and under a plan of utilization approved by the board of medical examiners or the board of osteopathic medicine and surgery and is registered under the provisions of the law regulating the practice of physician's assistant in the state of Washington, chapters 18.57A or 18.71A RCW.

(40) "Practitioner" means a:

(a) Physician under chapter 18.71 RCW;

(b) An osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW;

(c) A dentist under chapter 18.32 RCW;

(d) A podiatrist under chapter 18.22 RCW;

(e) A certified registered nurse under chapter 18.88 RCW as authorized by the board of nursing;

(f) An osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners;

(g) A physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners; or

(h) A pharmacist under chapter 18.64 RCW.

(41) "Protective unit" means a separate physical and functional section of a nursing home for the cognitively impaired and offers the cognitively-impaired residents increased space for ambulation and a reduction in anxiety-provoking stimuli.

(42) "Resident" means an inpatient.

(43) "Residential care unit" means a separate, physical, and functional unit including resident rooms, toilets, bathing facilities, and basic service facilities as identified in WAC 248-14-120 (2)(a).

(44) "Respiratory isolation" means a procedure for the prevention of transmission of pathogenic organisms by means of droplets and droplet nuclei coughed, sneezed, or breathed into the environment.

(45) "Responsible party" means a legally responsible person to whom the rights of a client have legally devolved.

(46) "Supervision" means the process of overseeing performance while having the responsibility and authority to guide or direct and critically evaluate.

(47) "Toilet fixture" means a bowl-shaped plumbing fixture fitted with a seat and a device for flushing the bowl with water.

(48) "Toilet room" means a room containing at least one toilet fixture.

(49) "Unit-dose" means the ordered amount of a drug in a dosage form ready for administration to a particular person.

(50) "Unit-dose drug distribution system" means a system of drug dispensing and control characterized by the dispensing of the majority of drugs in unit doses. For most drugs, not more than a forty-eight-hour supply of doses is available at the residential care unit at any time.

(51) "Usable floor space" excludes areas taken up by passage door swings, closets, wardrobes, portable lockers, and toilet rooms.

(52) "Unsupervised access" means not in the presence of another employee or volunteer as defined in RCW 43.43.830 (8)(a) and (b).

(53) "Volunteer" means a person who is a regularly scheduled person not receiving payment for services and having unsupervised access to a nursing home resident.

[Statutory Authority: RCW 18.51.050, 18.51.070, 43.43.830, 43.43.842 and 74.42.620. 93-23-040 (Order 3668), § 248-14-001, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.42.620 and 18.51.070. 90-17-123 (Order 3057), § 248-14-001, filed 8/21/90, effective 9/21/90; 89-21-049 (Order 2881), § 248-14-001, filed 10/13/89, effective 11/13/89; 89-08-054 (Order 2785), § 248-14-001, filed 3/31/89; 85-17-039 (Order 2271), § 248-14-001, filed 8/15/85. Statutory Authority: RCW 74.42.620. 83-01-016 (Order 1921), § 248-14-001, filed 12/6/82; 82-18-065 (Order 1872), § 248-14-001, filed 9/1/82. Statutory Authority: RCW 18.51.070. 81-14-066 (Order 1675), § 248-14-001, filed 7/1/81; 80-06-086 (Order 1509), § 248-14-001, filed 5/28/80. Statutory Authority: 1979 ex.s. c 211. 79-12-018 (Order 1455), § 248-14-001, filed 11/15/79. Statutory Authority: RCW 18.51.070. 79-02-036 (Order 171), § 248-14-001, filed 1/23/79; Order 133, § 248-14-001, filed 8/11/76; Order 128, § 248-14-001, filed 5/26/76; Order 94, § 248-14-001, filed 1/9/74; Order 33, § 248-14-001, filed 7/2/70; Order 28, § 248-14-001, filed 6/27/69; § 248-14-001, filed 12/6/67; Regulation 14.001, effective 3/1/60.]

WAC 248-14-080 Licensure—Disqualification. (1)

The department shall consider separately and jointly as applicants each individual named in an application for a nursing home license. If the department finds any individual unqualified, the department shall deny, suspend, or revoke the license in accordance with the law or these rules, regulations, and standards.

(2) The department shall not grant a license to an individual who, in the state of Washington or in any other place, has previously been denied a license to operate a hospital or facility for the care of children, or adults who are developmentally disabled, aged, ill, or infirm. The department shall not grant a license to an applicant convicted of operating such a facility without a license, or who has had their license revoked.

(3) The department shall disqualify the following individual, even though the premises meet minimum requirements:

- (a) Engaging in the illegal use of drugs or the excessive use of alcohol;
- (b) With a poor credit history;
- (c) Convicted of a felony or a crime against persons if the conviction reasonably relates to the competency of the individual to own or operate a nursing home, and who, the department determines, is not sufficiently rehabilitated to warrant public trust.

(4) The department shall deny, suspend, or revoke a license for failure or refusal to comply with the requirements established by chapter 18.51 RCW or rules, regulations, and standards adopted thereunder, or for any of the following:

- (a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation;
- (b) Permitting, aiding, or abetting the commission of any illegal act on the nursing home premises;
- (c) Cruelty or indifference to the welfare of the patients;
- (d) Maintaining insufficient numbers of staff to properly care for the number and type of residents;
- (e) Maintaining staff lacking training, experience, or temperament to care for the type of residents in the facility;
- (f) Misappropriation of the property of the patients; or
- (g) Failure or inability to meet financial obligations as they fall due in the normal course of business.

(5) The department shall not issue or renew a license if the applicant or licensee allows access to residents by any person employed directly or by contract, or as a volunteer or student who:

- (a) Was convicted of a crime against persons as defined under RCW 43.43.830;
- (b) Was convicted of crimes related to financial exploitation as defined under RCW 43.43.830;
- (c) Was found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult;
- (d) Was found in any final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult;
- (e) Was found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or
- (f) Was found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

(6) The department shall deny a nursing home license to any applicant with a history of significant noncompliance with federal or state nursing home requirements.

(7) In making a determination to deny a nursing home license, the department shall review the information contained in the application. In addition, other documents the department deems relevant may be reviewed, including survey and complaint investigation findings in each facility the applicant is or has been affiliated during the past ten years.

(8) The department may consider, but is not limited to, the following criteria in conducting a review relating to noncompliance with federal or state regulation:

- (a) Whether the violations threatened or resulted in significant harm to the health, safety, or welfare of any patient;
- (b) Whether a reasonably prudent nursing home operator should have been aware of the conditions resulting in the violation or violations;
- (c) Whether the applicant promptly investigated the circumstances surrounding any violation and took steps to correct and prevent recurrences of the violations;
- (d) The overall frequency of noncompliance as well as the recurrence of violations in the same or similar areas; or
- (e) Inability to attain compliance within a reasonable period of time.

(9) All applications for nursing home licensure are subject to review under this chapter. Applications for renewal are not considered applicants under this chapter. The department will not commence review of an incomplete application. The department requires a minimum of sixty days to review a completed application.

(10) Failure to provide any authorization the department requires in order to verify information contained in the application or to verify additional information the department deems relevant to the application shall result in denial of the license. If the department deems additional information is necessary to process the application, the applicant shall respond to such a request in a timely fashion.

(11) Any applicant denied a license shall be afforded an opportunity for an administrative hearing if a hearing is

requested within twenty days after receipt by the applicant of notice of denial as required under RCW 18.51.065. All hearings shall be conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 18.51.050, 18.51.070, 43.43.830, 43.43.842 and 74.42.620. 93-23-040 (Order 3668), § 248-14-080, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.42.620 and 18.51.070. 90-17-123 (Order 3057), § 248-14-080, filed 8/21/90, effective 9/21/90. Statutory Authority: RCW 18.51.070. 87-03-018 (Order 2460), § 248-14-080, filed 1/13/87. Statutory Authority: 1979 ex.s.c 211. 79-12-018 (Order 1455), § 248-14-080, filed 11/15/79; Order 80, § 248-14-080, filed 1/9/73; Regulation 14.080, effective 3/11/60.]

WAC 248-14-240 Personnel. The nursing home shall:

(1) Have personnel available in sufficient numbers and qualifications to meet the requirements of this chapter.

(2) Maintain and review written evaluations of work performance with the employee once a year or more often.

(3) Ensure staff, including consultants and pool personnel, are appropriately licensed or certified at the time of their assignment to duties.

(4) Ensure any employee giving direct resident care or treatment shall be eighteen years of age or older unless the employee is enrolled in or successfully completes a bona fide nurse or nurse aide training program. The employee's nurse aide training shall be completed within four months of employment.

(5) Ensure no employee currently working shall evidence signs or symptoms of infectious diseases, such as running sores or fever.

(6) Ensure each employee shall have at the time of employment a tuberculin skin test by the Mantoux method with PPD, *except*, when there is documentation of a Mantoux test administered after the employee's eighteenth birthday or a documented history of adequately treated tuberculosis, no further skin testing is necessary.

(a) An employee thirty-five years of age or older with a reaction of less than ten millimeters induration within forty-eight to seventy-two hours after administration of the antigen shall have a second skin test within one to three weeks after the first test.

(b) An employee with a reaction of ten or more millimeters induration within forty-eight to seventy-two hours after either test shall have a chest x-ray within thirty days.

(c) Any employee believing the tuberculin skin test by the Mantoux method presents a hazard to the employee's health because of conditions peculiar to the employee's own physiology may present supporting medical data to this effect to the tuberculosis control program, department of health. The department of health shall decide whether a waiver is granted to the individual employee and shall notify the employee accordingly. An employee granted a waiver from the tuberculin skin test shall have an examination for tuberculosis as directed by the state tuberculosis control officer.

(d) The facility shall retain a record of findings for the duration of the employee's employment. The employee shall be provided a copy of the tuberculosis screening record.

[Statutory Authority: RCW 18.51.050, 18.51.070, 43.43.830, 43.43.842 and 74.42.620. 93-23-040 (Order 3668), § 248-14-240, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.42.620 and 18.51.070. 90-17-123 (Order 3057), § 248-14-240, filed 8/21/90, effective 9/21/90. Statutory

Authority: RCW 74.42.620. 86-20-018 (Order 2427), § 248-14-240, filed 9/22/86; 83-01-016 (Order 1921), § 248-14-240, filed 12/6/82; 82-18-065 (Order 1872), § 248-14-240, filed 9/1/82. Statutory Authority: RCW 18.51.070. 80-06-086 (Order 1509), § 248-14-240, filed 5/28/80. Statutory Authority: 1979 ex.s.c 211. 79-12-018 (Order 1455), § 248-14-240, filed 11/15/79. Statutory Authority: RCW 18.51.070. 79-02-036 (Order 171), § 248-14-240, filed 1/23/79; 78-10-074 (Order 166), § 248-14-240, filed 9/27/78; Order 146, § 248-14-240, filed 3/22/77; Order 108, § 248-14-240, filed 1/13/75; Order 94, § 248-14-240, filed 1/9/74; Regulation 14.240, effective 3/11/60.]

WAC 248-14-249 Criminal history disclosure and background inquiries. (1) Except as provided in this section, no nursing home shall employ any person, directly or by contract, or accept as a volunteer or student any person who may have unsupervised access to residents if the person:

(a) Discloses or the background inquiry discloses that the person:

(i) Was convicted of a crime against persons as defined under RCW 43.43.830;

(ii) Was convicted of crimes relating to financial exploitation as defined under RCW 43.43.830; or

(iii) Was found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

(b) The person discloses or the appropriate licensing agency determines that the person:

(i) Was subject to an order of protection under chapter 74.34 RCW for abuse or financial exploitation of a vulnerable adult;

(ii) Was found in a final decision issued by a disciplinary board to have:

(iii) Sexually or physically abused or exploited any minor or developmentally disabled person; or

(iv) Abused or financially exploited any vulnerable adult;

(v) Was found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

(2) A nursing home may choose to employ a person with a conviction of a crime against persons only if the conviction is one of the five crimes listed below and the required number of years has passed:

(a) Simple assault, assault in the fourth degree, or the same offense as it may hereafter be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) Prostitution, or the same offense as it may hereafter be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) Theft in the second degree, or the same offense as it may hereafter be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(d) Theft in the third degree, or the same offense as it may hereafter be renamed, and three or more years have passed between the most recent conviction and the date of application for employment; or

(e) Forgery, or the same offense as it may hereafter be renamed, and five or more years have passed between the most recent conviction and the date of application for employment.

(3) A nursing home may conditionally employ a person pending a background inquiry provided the nursing home requests the inquiry within seventy-two hours of the conditional employment.

(4) A nursing home licensed under chapter 18.51 RCW shall make a background inquiry request to one of the following:

- (a) The Washington state patrol;
- (b) The department;

(c) The most recent employer licensed under chapter 18.51 RCW, provided termination of that employment was within twelve months of the current employment application and provided the inquiry was completed by the department or completed by the Washington state patrol within the three years before the current date of application; or

(d) A nurse pool agency licensed under chapter 18.52C RCW, or hereafter renamed, provided the background inquiry was completed by the Washington state patrol within three years before the current date of employment in the nursing home.

(5) Before a nursing home employs, directly or by contract, or accepts any person as a volunteer or student, a nursing home shall:

(a) Inform the person the Washington state patrol shall complete a background inquiry; or

(b) Inform the person that the person may make a request for a copy of a completed background inquiry as provided for under subsection (4); and

(c) Require the person to sign a disclosure statement;

(d) Require the person to sign a statement authorizing the nursing home, the department and the Washington state patrol to make a background inquiry request; and

(e) Verbally inform the person of the background inquiry results within seventy-two hours of receipt.

(6) Nursing homes:

(a) Shall require all current direct or contract employees, volunteers, and students to sign disclosure statements;

(b) Shall request a background inquiry of any person employed, directly or by contract, or accepted as a volunteer or student on or after July 23, 1989;

(c) May request a background inquiry of any person employed, directly or by contract, or accepted as a volunteer or student before July 23, 1989; and

(d) Shall notify appropriate licensing or certification agency of any person resigning or terminated as a result of having a conviction record.

(7) The nursing home shall establish procedures ensuring:

(a) All disclosure statements and background inquiry responses and all copies are maintained in a confidential and secure manner;

(b) Disclosure statements and background inquiry responses are used for employment purposes only; and

(c) Disclosure statements and background inquiry responses are not disclosed to any person except:

(i) The person about whom the nursing home made the disclosure or background inquiry;

(ii) Authorized state and federal employees;

(iii) The Washington state patrol auditor; and

(iv) Potential employers licensed under chapter 18.51 RCW who are making a request as provided for under subsection (4) of this section.

(d) A record of findings shall be retained by the facility for twelve months beyond the date of termination of employment.

[Statutory Authority: RCW 18.51.050, 18.51.070, 43.43.830, 43.43.842 and 74.42.620. 93-23-040 (Order 3668), § 248-14-249, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 74.42.620 and 18.51.070. 90-17-123 (Order 3057), § 248-14-249, filed 8/21/90, effective 9/21/90.]

Chapter 248-172 WAC GENERAL PROVISIONS

WAC

248-172-101 through 248-172-402 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

248-172-101	Definitions. [Statutory Authority: 1987 c 304. 88-04-090 (Order 2595), § 248-172-101, filed 2/3/88.] Repealed 94-02-042 (Order 3691), filed 12/30/93, effective 1/30/94. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730.
248-172-201	Eligibility requirements. [Statutory Authority: 1987 c 304. 88-04-090 (Order 2595), § 248-172-201, filed 2/3/88.] Repealed 94-02-042 (Order 3691), filed 12/30/93, effective 1/30/94. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730.
248-172-202	Approval of application for initial device or request for replacement device. [Statutory Authority: 1987 c 304. 88-04-090 (Order 2595), § 248-172-202, filed 2/3/88.] Repealed 94-02-042 (Order 3691), filed 12/30/93, effective 1/30/94. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730.
248-172-203	Denial of initial application or request for replacement device. [Statutory Authority: 1987 c 304. 88-04-090 (Order 2595), § 248-172-203, filed 2/3/88.] Repealed 94-02-042 (Order 3691), filed 12/30/93, effective 1/30/94. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730.
248-172-204	Reapplication process. [Statutory Authority: 1987 c 304. 88-04-090 (Order 2595), § 248-172-204, filed 2/3/88.] Repealed 94-02-042 (Order 3691), filed 12/30/93, effective 1/30/94. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730.
248-172-205	Notice of approval or denial. [Statutory Authority: 1987 c 304. 88-04-090 (Order 2595), § 248-172-205, filed 2/3/88.] Repealed 94-02-042 (Order 3691), filed 12/30/93, effective 1/30/94. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730.
248-172-206	Review by department. [Statutory Authority: 1987 c 304. 88-04-090 (Order 2595), § 248-172-206, filed 2/3/88.] Repealed 94-02-042 (Order 3691), filed 12/30/93, effective 1/30/94. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730.
248-172-301	Distribution centers. [Statutory Authority: 1987 c 304. 88-04-090 (Order 2595), § 248-172-301, filed 2/3/88.] Repealed 94-02-042 (Order 3691), filed 12/30/93, effective 1/30/94. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730.
248-172-302	Training. [Statutory Authority: 1987 c 304. 88-04-090 (Order 2595), § 248-172-302, filed 2/3/88.] Repealed 94-02-042 (Order 3691), filed 12/30/93, effective 1/30/94. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730.
248-172-303	Ownership and liability. [Statutory Authority: 1987 c 304. 88-04-090 (Order 2595), § 248-172-303, filed 2/3/88.] Repealed 94-02-042 (Order 3691), filed 12/30/93, effective 1/30/94. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730.
248-172-304	Out-of-state use. [Statutory Authority: 1987 c 304. 88-04-090 (Order 2595), § 248-172-304, filed 2/3/88.] Repealed 94-02-042 (Order 3691), filed 12/30/93, effective

- 1/30/94. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730.
- 248-172-401 TDD advisory committee appointment. [Statutory Authority: 1987 c 304. 88-04-090 (Order 2595), § 248-172-401, filed 2/3/88.] Repealed 94-02-042 (Order 3691), filed 12/30/93, effective 1/30/94. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730.
- 248-172-402 Responsibilities of TDD advisory committee. [Statutory Authority: 1987 c 304. 88-04-090 (Order 2595), § 248-172-402, filed 2/3/88.] Repealed 94-02-042 (Order 3691), filed 12/30/93, effective 1/30/94. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730.

WAC 248-172-101 through 248-172-402 Repealed.
See Disposition Table at beginning of this chapter.

Title 250 WAC

HIGHER EDUCATION COORDINATING BOARD

(Formerly: Postsecondary Education, Council for)

Chapters

- 250-18 Residency status for higher education.
- 250-20 State student financial aid program—Need grant and the federal program for state student incentive grant program Title 45, Code of Federal Regulations Chapter 1, Part 192.
- 250-25 Health professional loan repayment and scholarship program—Rules and regulations.
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Chapter 250-18 WAC

RESIDENCY STATUS FOR HIGHER EDUCATION

WAC

- 250-18-010 Purpose and applicability.
- 250-18-020 Student classification.
- 250-18-050 Appeals process.
- 250-18-060 Exemptions from nonresident status.

WAC 250-18-010 Purpose and applicability. This chapter is promulgated pursuant to RCW 28B.15.015 by the board to establish the necessary regulations for the adminis-

tration of residency status in higher education. Institutions shall apply the provisions of the regulations specified in chapter 250-18 WAC for the uniform determination of a student's resident and nonresident status and for recovery of fees for improper classification of residency.

[Statutory Authority: RCW 28B.15.015. 93-20-004, § 250-18-010, filed 9/22/93, effective 10/23/93. Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-010, filed 9/8/82.]

WAC 250-18-020 Student classification. (1) For a student to be classified as a "resident" for tuition and fee purposes, he or she shall:

- (a)(i) Have established a bona fide domicile in the state of Washington primarily for purposes other than educational for the period of one year immediately prior to commencement of the first day of the semester or quarter for which he or she has registered at any institution; and
- (ii) Be financially independent; or
- (b) Be a dependent student, with one or both of whose parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution; or

(c) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high school in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; or

(d) Be the spouse or dependent of an active duty military person stationed in the state of Washington.

(2) A student shall be classified as a "nonresident" for tuition and fee purposes if he or she does not qualify as a resident student under the provisions of subsection 1 of this section. A nonresident student shall include a student if he or she:

(a) Will be financially dependent for the current year or was financially dependent for the calendar year prior to the year in which application is made and who does not have a parent or legally appointed guardian who has maintained a bona fide domicile in the state of Washington for one year immediately prior to the commencement of the semester or quarter for which the student has registered at an institution;

(b) Attends an institution with financial assistance provided by another state or governmental unit or agency thereof wherein residency in that state is a continuing qualification for such financial assistance, such nonresidency continuing for one year after the completion of the quarter or semester for which financial assistance is provided. Such financial assistance relates to that which is provided by another state, governmental unit[,] or agency thereof for direct or indirect educational purposes and does not include retirements, pensions, or other noneducational related income. A student loan guaranteed by another state or governmental unit or agency thereof on the basis of eligibility as a resident of that state is included within the term "financial assistance;"