

WAC 388-97-4460 Remedies.

Mandatory Remedies

(1) In accordance with RCW 18.51.060 (5)(a), the department must impose a stop placement order when the department determines that the nursing home is not in substantial compliance with applicable laws or regulations and the cited deficiency(ies):

(a) Jeopardize the health and safety of the residents; or

(b) Seriously limit the nursing home's capacity to provide adequate care.

(2) When required by RCW 18.51.060(3), the health care authority must deny payment to a nursing home that is certified to provide medicaid services for any medicaid-eligible individual admitted to the nursing home. Nursing homes that are certified to provide medicare services or both medicare and medicaid services may be subject to a federal denial of payment for new admissions, in accordance with federal law.

(3) The department must deny, suspend, revoke or refuse to renew a proposed or current licensee's nursing home license in accordance with WAC 388-97-4220(3).

Optional Remedies

(4) When the department determines that a licensee has failed or refused to comply with the requirements under chapter 18.51, 74.39A or 74.42 RCW, or this chapter; or a medicaid contractor has failed or refused to comply with medicaid requirements of Title XIX of the Social Security Act or medicaid regulations, the department, or when appropriate, the health care authority, may impose any or all of the following optional remedies:

(a) Stop placement;

(b) Immediate closure of a nursing home, emergency transfer of residents or both;

(c) Civil fines;

(d) Appoint temporary management;

(e) Petition the court for appointment of a receiver in accordance with RCW 18.51.410;

(f) License denial, revocation, suspension or nonrenewal;

(g) Denial of payment for new medicaid admissions;

(h) Termination of the medicaid provider agreement (contract);

(i) Department on-site monitoring as defined under WAC 388-97-0001; and

(j) Reasonable conditions on a license as authorized by chapter 74.39A RCW. Examples of conditions on a license include but are not limited to training related to the deficiency(ies); consultation in order to write an acceptable plan of correction; demonstration of ability to meet financial obligations necessary to continue operation.

[Statutory Authority: Chapters 18.51 and 74.42 RCW. WSR 11-22-077, § 388-97-4460, filed 11/1/11, effective 12/2/11. Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. WSR 08-20-062, § 388-97-4460, filed 9/24/08, effective 11/1/08.]