

**WAC 388-107-0280 Transfer and discharge.** (1) The enhanced services facility, with input from the person-centered service planning team, will meet with case management staff to identify residents who want to be discharged from the facility or transfer to a less restrictive residential setting. Once the facility identifies these residents, it will hold a discharge planning meeting for each resident.

(2) The facility may not transfer or discharge a resident from the facility unless:

(a) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;

(b) The safety of individuals in the facility is endangered;

(c) The health of individuals in the facility would otherwise be endangered;

(d) The resident has failed to make the required payment for his or her stay; or

(e) The facility ceases to operate.

(3) Before transferring or discharging a resident, the facility must:

(a) Attempt to avoid transfer or discharge through reasonable accommodation, unless agreed to by the resident;

(b) Notify the resident, the resident's representative, and all members of the resident's person-centered service planning team of the transfer or discharge and the reasons for the move in writing and in a language and manner the resident understands;

(c) Record the reasons for the transfer or discharge in the resident's record; and

(d) Include in the notice the items described in subsection (6) of this section.

(4) Except as specified in subsection (5) of this section, the facility must notify the resident as specified in subsection (3)(b) of this section, at least thirty days before the resident is transferred or discharged;

(5) The facility must notify the resident as specified in subsection (3)(b) of this section as soon as practicable when:

(a) The safety of individuals in the facility would be endangered;

(b) The health of individuals in the facility would be endangered;

(c) An immediate transfer or discharge is required by the resident's urgent medical needs; or

(d) The resident has not resided in the facility for thirty days.

(6) The written notice specified in subsection (3)(b) of this section must include the following:

(a) The reason for transfer or discharge;

(b) The effective date of transfer or discharge;

(c) The location to which the resident is transferred or discharged;

(d) The name, address, and telephone number of the state long-term care ombuds; and

(e) The mailing address and telephone number of disability rights Washington, a protection and advocacy system for individuals with disabilities.

(7) The facility must provide sufficient preparation and orientation for residents to ensure their safe and orderly transfer or discharge from the facility.

(8) A resident discharged in violation of this section has the right to be readmitted immediately upon the first availability of appropriate space in the facility.

[Statutory Authority: RCW 70.97.230 and HCBS Final Rule 42 C.F.R. WSR 16-14-078, § 388-107-0280, filed 7/1/16, effective 8/1/16. Statutory Authority: Chapter 70.97 RCW. WSR 14-19-071, § 388-107-0280, filed 9/12/14, effective 10/13/14.]