



## **Washington State Department of Health RTF Stakeholder Meeting Agenda**

June 23<sup>rd</sup>, 2016

10:00-1:00

[Kent Regional Office](#)

20125 72<sup>nd</sup> Avenue S, Building 2, Room 309

Kent, WA 98032

**Call-in:** [877-351-4402](tel:877-351-4402) Passcode: 1505703

Type of Meeting: Rules Workshop

Meeting Facilitator: Julie Tomaro

Invitees: Open public meeting

### **I. Introductions**

In-person introductions took place and roll call was used to introduce the telephone participants. There were 20 in-person attendees and approximately 40 attendees on the phone.

### **II. Background**

The rules have been in place since 2005. Work was started in 2010 to update the rules with a CR-101 being filed in 2012. Stakeholdering was conducted during that time, but was stalled due to issues surrounding medication management. The CR-101 that was filed in 2012 will be used to complete this rule project.

### **III. Brainstorming Exercise and Discussion**

1. 246-337-050(c) requires verification of education and experience, one facility was cited for not having on hand the transcripts of employees' past education and they are hard to get. The rule about this needs clarification. Are transcripts necessary or is having a copy of the degree/training certificate adequate.
2. Facilities not performing restraint and seclusion should not be required to meet the restraint and seclusion training requirements.
3. Would like all the RTF rules to be easily accessible in one place including DBHR rules and DOH rules.
4. Important to understand that DOH licenses the building and DBHR licenses the service.
5. Concern over the emerging kind of programs, where the market is residential but they are licensed for IOP and partial and they're providing housing, a few pay rent and then they bus them for the program. This came up last time and it seems to be an emerging trend in the state.
6. Addressing integration of mental health and CD.
7. 42CFR interpretations of how that relates to providing services
8. What's the possibility to go to a medically or clinically monitored managed care facility, for years CNAs were working but they can't work in RTFs because they are not recognized as health care facilities. Could they be re-categorized to have CNAs working

as CNAs. (Julie will verify this; she thinks the change has already occurred.) We are also looking towards the integration of mental health, behavioral health, and primary care and what does that look like for RTFs.

#### IV. Review Agenda and Meeting Objectives

Overarching objective: Revise the RTF rules so that they are comprehensive, understandable, do-able, and enforceable.

Stakeholdering objective: (1) Create proposed rule language that meets the needs of residents, facilities, and DOH during four stakeholder meetings. (2) Use proposed rule language to make the CR-102/rules hearing process go smoothly.

The tentative rule making timeline was reviewed. The plan is to have the public hearing in December and rules effective in May 2017.

#### V. Rules Review

##### a) Definition of “Residential Treatment Facility”

###### 1. Inclusion of “24 hour” in definition

- Stakeholder’s agree that RTF must provide 24 hour care. The residents don’t necessarily need to be on-site for 24 hours. If residents were required to be on-site for 24 hours then triage facilities may not count as RTFs which legislation requires them to be a RTF. Suggestions include “availability of 24 hour care” or “provides 24 hour care.”

###### 2. Inclusion of “co-occurring” in definition

- When defining co-occurring one suggestion was to not just include mental health care and chemical dependency care for co-occurring, but also include treatment for other medical conditions like diabetes. Another suggestion was to leave co-occurring but not overly define it.
- DOH and DBHR refer to Co-occurring as a mental disorder occurring with substance abuse at the same time. This is also how the state plan defines co-occurring for reimbursement purposes.
- One suggestion was to take co-occurring out of the definition and just leave it as treating people for mental health or substance use disorders. Another suggestion was to just say treatment for behavioral health disorders.

###### 3. RTFs are licensed under RCW 71.12 which is specific to mental health and chemical dependency not that they can’t provide the other services but that may fall under scope of practice for providers rather than RTF rules.

###### 4. In suggested definition, take out the word “specifically” so it is not narrowing what an RTF can do.

##### b) Service Categories ([WAC 246-337-015](#))

1. Many services do not require DOH to look at the facility any differently. The DOH survey team is in support of only capturing the information that makes a difference in the way the review the facility or the policies and procedures.
2. One benefit to this would be more flexibility to change services without having to amend the license.
3. Stakeholders support this concept.
4. A question was asked why separate it into CD and MH? The reason we don’t lump it all into a behavioral health category is so that data with specific numbers of facilities providing specific care can be produced.

c) Licensing (WAC 246-337-010)

1. Take all information regarding licensing that is in 246-337-020 and put it in this WAC so all licensing information is in one place.
2. Stakeholder's request for a disclosure statement form to be created by DOH.
3. Stakeholder's agree that change of administrator can be added to the list of when to amend the RTF license since this is already taking place.
4. Stakeholder's are in favor of making a change of location a license amendment rather than needing a new license. This would result in significant cost savings for facilities. Julie will work with the credentialing program to see if this is possible.

d) Responsibilities and Rights (WAC 246-337-020)

1. Licensing information should be moved to 246-337-010. Stakeholder's agree that this WAC should be specific to surveys and complaint investigation information.
2. Stakeholder's would like the word "professional" to be taken out of (1)(a) because it is too subjective.
3. Comment made regarding confusion about "recommendations" on the statement of deficiencies. The recommended items are not mentioned in WACs, however, they are told if item is not corrected they will be cited next year.
4. Under (2) (d) Regarding the 10 days of receipt of identified deficiencies, how does the department know when the RTF received it? One suggestion was to change this to 30 days from receipt.
5. One suggestion was to have a "good behavior" clause so if the facility does not receive any citations during a survey they could go to an every other year (or similar) survey schedule.

e) Denying, Suspending, and Revoking a license (WAC 246-337-035)

1. No suggestions from stakeholder's

f) Governance and Administration (WAC 246-337-045)

1. Under (1) (ii) take out resident and
2. Under (2) (b) take out electronic pager
3. Stakeholder's prefer existing language regarding staff being "competent by training, experience, and capability" verses "demonstrating competency".
4. Stakeholder's would prefer to have everyone who falls under the definition of "staff" (ex. contractors, volunteers, students) to be spelled out in the WAC so it is clear who is required to do what.
5. Stakeholders agree with making the language regarding quality improvement programs more robust, but there is concern about how prescriptive the rule should get in terms of what types of health and safety issues should be required to be reviewed. Some stakeholder's stated that the language should get very specific and others felt it should be more vague. Much of the discussion was around medication errors and what would be considered a medication error. One suggestion was to change the language to medication "administration" error.
6. Stakeholder's would like to know how much information would DOH expect them to share regarding the root cause analysis.

g) Human Resources (WAC 246-337-050)

1. Stakeholder's approve of the reorganization of the WAC separating out general requirements, training requirements, and personnel type requirements.
  2. Suggestion to include persons who may come in contact with body fluids in addition to staff having direct patient contact for those requiring BBP and HIV/AIDS training.
  3. Stakeholder's would like additional language to clarify that restraint and seclusion training is only required in facilities that provide restraint and seclusion.
  4. Stakeholder's would like job descriptions and performance evaluations to be signed like DBHR requires.
  5. Stakeholder's would like clarification on what type of documentation is acceptable for verification of education and CPR certification. Does it have to be a card and transcripts or can it be some other form of documentation?
- h) Background Checks ([WAC 246-337-055](#))
1. Stakeholder's agree that if DOH will only accept WATCH reports for the administrator that it should be clarified in rule. For other employee's DBHR just requires a "Washington" background check and DEL requires some other type of background check. Because of this variation, stakeholders suggest changing the language pertaining to staff background checks to match DBHR.

## VI. Wrap-up and follow-up plan

1. The next stakeholder meeting will be on July 13<sup>th</sup> The hope is to have a 4 hour meeting which is dependent on room availability.
2. The topics covered will likely be medication management, resident care services, care plans, and restraint and seclusion.

Note: The meeting on July 13<sup>th</sup> has been confirmed. It will be at the DOH Kent Office, Room 309 from 9-noon.

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

[ Filed October 31, 2012, 10:14 a.m. ]

Subject of Possible Rule Making: [Chapter 246-337 WAC](#), Residential treatment facility (RTF), revise and update rules to align with current law and industry practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: [RCW 71.12.670](#).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RTF rules were adopted in 2005. Since that time, federal and state regulatory changes have occurred and services delivery models have been evolving. The department initiated rule making in September 2010 to begin updating the RTF rules to align with these changes. In 2011, legislation passed (SHB 1170) requiring triage facilities to be licensed as RTFs. The department will also evaluate current industry practices and determine whether rule making is necessary to establish minimum health and safety standards for new service models that may be operating as RTFs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of social and health services, division of behavioral health and recovery, certifies treatment services for chemical dependency and mental health.

The Washington state patrol, state fire marshall [marshall], inspects licensed RTFs.

The department of early learning licenses childcare for RTFs providing treatment for parents accompanied by children.

The RTFs must meet board of pharmacy and Drug Enforcement Administration requirements for handling controlled substances.

The RTFs must meet board of health food services requirements.

The department will collaborate and consult extensively with these agencies during this rules process.

Process for Developing New Rule: Collaborative rule making.

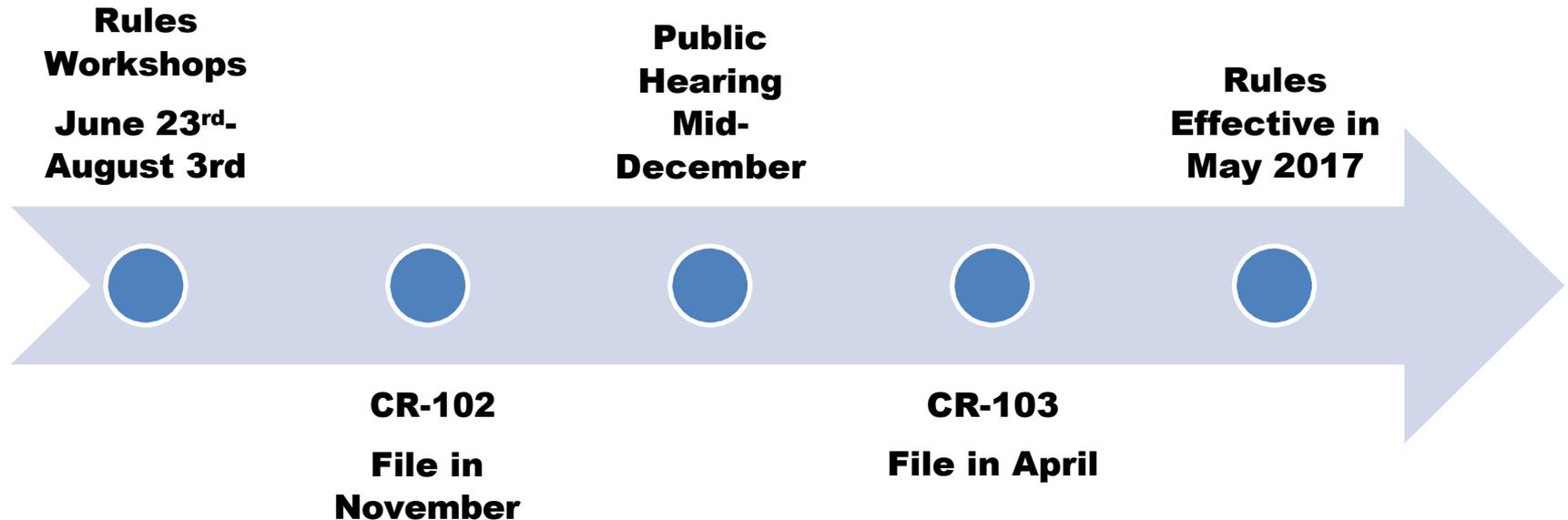
Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate in the updating of the rule and the decision to adopt the updated rule before publication by joining [RESIDENTIAL\\_TREATMENT@LISTSERV](mailto:RESIDENTIAL_TREATMENT@LISTSERV) <http://listserv.wa.gov/cgi-bin/wa?AO=Residential> and by contacting Barbara Runyon, Nursing Consultant Advisor, Health Professions and Facilities, 111 Israel Road S.E., Tumwater, WA 98501-7852, e-mail [barbara.runyon@doh.wa.gov](mailto:barbara.runyon@doh.wa.gov), phone (360) 236-2937, fax (360) 236-2321. The department will notify all licensees and organizations who have expressed an interest in rule-making activities. Interested parties may also submit written comments for consideration.

October 31, 2012

Mary C. Selecky

Secretary

# RTF Chapter Revision Timeline



33) "Residential treatment facility" or "RTF" means a facility providing twenty-four hour on site care specifically for the evaluation, stabilization, or treatment of residents for substance use disorders, mental health disorders, or co-occurring disorders for purposes of evaluation and treatment or evaluation and referral of any individual with a chemical dependency or mental disorder.

Comment [jtomaro1]: Added for clarification

DRAFT

33) "**Residential treatment facility**" or "**RTF**" means a facility providing twenty-four hour on site care specifically for the evaluation, stabilization, or treatment of residents for substance use disorders, mental health disorders, or co-occurring disorders.

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**WAC 246-337-015**

**Facility Type, Service categories:**

The facility type is based on the service(s) provided. A licensee may provide services under a single RTF license for one or more of the following service categories one or more of the following services in the RTF:

- (1) Mental health;
- (2) Chemical dependency; or
- (3) Co-occurring.
- ~~(1) Chemical dependency acute detoxification;~~
- ~~(2) Chemical dependency subacute detoxification;~~
- ~~(3) Chemical dependency intensive inpatient;~~
- ~~(4) Chemical dependency long-term treatment;~~
- ~~(5) Chemical dependency recovery house;~~
- ~~(6) Mental health adult residential treatment (includes crisis services for twenty-four hours or more);~~
- ~~(7) Mental health inpatient evaluation and treatment;~~
- ~~(8) Mental health child long-term inpatient treatment;~~
- ~~(9) Mental health child inpatient evaluation and treatment.~~

[Statutory Authority: Chapter 71.12 RCW. WSR 05-15-157, § 246-337-015, filed 7/20/05, effective 8/20/05.]

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at: 0.5"

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## **WAC 246-337-015**

**Facility Type.** The facility type is based on the service(s) provided. A licensee may provide one or more of the following services in the RTF:

- (1) Mental health;
- (2) Chemical dependency; or
- (3) Co-occurring.

[Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-015, filed 7/20/05, effective 8/20/05.]

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246-337-010

**Licensing Initial licensure and renewal process.**

The applicant shall not open or operate an RTF until all requirements for licensure set forth in this section are met, and the department issues an initial, renewed, or amended RTF license listing the service(s) the facility is approved to provide.

(1) Initial license: An applicant for an initial RTF license must submit to the department, - ~~sixty days or more before starting the following:~~

(a) A completed application on form(s) provided by the department, signed by the owner or legal designee; ~~including:~~

(b) Disclosure statements and criminal history background checks obtained within the previous three months of the application date for the administrator in accordance WAC 246-337-055;

(i) The identity of each officer and director, or their equivalent, of the licensee;

(ii) Disclosure statements and criminal history background checks obtained within three months of the application date for the administrator in accordance with chapter 43.43 RCW;

(iii) The license fee specified in WAC 246-337-990; and

(d) Policies and procedures in compliance with chapter 71.12 RCW and this chapter for review and approval by the department; and

(e) A completed application, fee, and functional program plan for construction review according to 246-337-040 WAC.

(2) Written approval from the chief of the Washington state patrol, through the director of fire protection, as required by RCW 71.12.485 and chapter 212-12 WAC must be provided to the department prior to issuing a new RTF license.

(iv) A reduced floor plan on 8-1/2 x 11 size paper that shows each room within the facility in a manner that is easily seen and understood.

(b) Evidence of applicant's compliance with chapter 71.12 RCW and this chapter including:

(i) The department approved construction documents and functional program plan;

(ii) Documentation of application for certification by DSHS under chapter 71.05 RCW (Mental illness), chapter 70.96A RCW (Treatment for alcoholism, intoxication and drug addiction), or chapter 71.34 RCW (Mental health services for minors);

(iii) Approval of the chief of the Washington state patrol, through the director of fire protection, as required by RCW 71.12.485 and chapter 212-12 WAC;

(iv) Compliance with all applicable federal, state and local laws, rules, and codes; and

(v) Completion of an initial on-site survey.

(c) Other information as required by the department.

(2) If the applicant has met all requirements for licensure set forth in subsection (1) of this section, the department shall issue a RTF license (listing the service categories). An RTF license is effective for one year from the date it is issued.

(3) ~~Renewal~~ License renewal: At least thirty calendar days before the expiration date of the current license, the licensee must submit to the department:

(a) A completed application on form(s) provided by the department;

Comment [jtomaro1]: New language for clarification

Comment [jtomaro2]: Moved an clarified within PREVIOUS three months... referenced the BC WAC 055

Comment [jtomaro3]: Does not add value

Comment [jtomaro4]: Moved

Comment [jtomaro5]: Not new requirements. Just reworded for clarification.

Comment [jtomaro6]: Moved as the licensee is not required to submit this information. The FM sends directly to DOH.

Comment [jtomaro7]: CRS collects floorplan

Comment [jtomaro8]: Moved and reworded

Comment [jtomaro9]: May be added back in

Comment [jtomaro10]: Moved

Comment [jtomaro11]: CRS does this. No need to keep in this WAC

Comment [jtomaro12]: Not required prior to licensure

Comment [jtomaro13]: Moved under Department requirements

Comment [jtomaro14]: Added for clarification

(b) Disclosure statements and criminal history background checks obtained within the previous three months of the application renewal date for the administrator in accordance with chapter 43.43 RCW WAC 246-337-055; and

(c) The renewal fee specified in WAC 246-337-990; -

(d) Documentation satisfactory to the department of licensee's compliance with chapter 71.12 RCW and this chapter, including the following:

(i) Compliance with rules adopted by the chief of the Washington state patrol, through the director of fire protection, as required by RCW 71.12.485 and chapter 212-12 WAC;

(ii) Compliance with all applicable federal, state and local laws, and rules; and

(e) Other information as required by the department.

(4) Written approval from the chief of the Washington state patrol, through the director of fire protection, as required by RCW 71.12.485 and chapter 212-12 WAC must be provided to the department prior to renewing a RTF license.

**Comment [jtomaro15]:** Added for clarification

**Comment [jtomaro16]:** Moved and reworded

(5) License amendment: At least sixty days prior to changing any of the license service categories services provided in the facility, number of resident beds, location or use of rooms as listed on the licensed room list, or the physical structure of the RTF, a change in administrator; or a change in address the licensee must submit to the department:

(a) Notify the department Notification in writing of the intended change;

(b) Request the department to determine the need for review by the department's construction review services; and

(b) An amended RTF application on form(s) provided by the department;

(c) If the change involves an approved increase in beds, the licensee must pay a fee The administrative fee and other applicable fee(s) specified under in WAC 246-337-990;

(d) A request to the department to determine the need for review by the department's construction review services and Washington State fire marshal;

(e) Policies and procedures in compliance with chapter 71.12 RCW and this chapter for review and approval by the department, if changing services; and

(f) Disclosure statements and criminal history background checks obtained within the previous three months of the application date for the administrator in accordance with WAC 246- 337-055, if changing administrator.

**Comment [jtomaro17]:** Added for clarification as this is already being enforced.

**Comment [jtomaro18]:** Added for clarification. Not a new requirement.

(6) Change of ownership: At least sixty days prior to selling, leasing, renting or otherwise transferring control of a license, that results in a change of the Uniform Business Identifier Number (UBI #), the licensee must submit to the department:

(a) The full name and address of the current licensee and prospective licensee;

(b) The name and address of the licensed RTF and the name under which the RTF will operate;

(c) Date of the proposed change; and

(d) Plans for preserving resident records, consistent with WAC 246-337-095; and

(e) Other information required by the department.

(7) A prospective new RTF owner shall apply for licensure by complying with subsection (1) of this section.

(8) A RTF license is not transferable between owners.

(9) The licensee must:

(a) Maintain and post a current RTF license in a conspicuous place on the premises;

**Comment [jtomaro19]:** New language added for clarification. Not a new requirement.

**Comment [jtomaro20]:** Not transferable from one owner to the next, but can a move be considered an amendment. Jon K. does not go out anyway and CRS would be collecting the fee for service. I don't see a cost issue and it would help keep the RTF on the same survey schedule.

- (b) Provide services limited to each approved service type that appears on the RTF license;
- and
- (c) Maintain the occupancy level at or below the licensed resident bed capacity of the RTF.
- ~~(10)~~ The department shall:
  - (a) Prior to issuing, renewing, or amending a license:
    - (i) Review and approve the licensing application
    - (ii) Review and approve RTF policies and procedures according to this chapter, as applicable;
    - (iii) Verify compliance with RTF construction standards according to this chapter, as applicable; and
    - (iv) Obtain written verification of compliance with RCW 71.12.485 and chapter 212-12 WAC administered by the Washington state patrol fire marshal fire protection service, as applicable.
  - (b) Issue or renew a license, effective one year from the date it is issued, when the applicant or licensee meets the requirements in chapter 71.12 RCW and this chapter;
  - (c) List, in writing on the license, the approved service types the RTF is approved to provide under this chapter;
  - (d) Conduct an unannounced on-site survey after initial licensure to determine compliance with the requirements of chapter 71.12 RCW and this chapter.
- (11) The department may issue a single RTF license to include two or more buildings on the same campus, if the applicant or licensee:
  - (a) Meets the licensure requirements of chapter 71.12 RCW and this chapter; and
  - (b) Operates the multiple buildings as a single integrated system with governance by a single authority or body over all staff and buildings.

[Statutory Authority: Chapter 71.12 RCW. WSR 05-15-157, § 246-337-010, filed 7/20/05, effective 8/20/05.]

**Comment [jtomaro21]:** Moved from 020

**Comment [jtomaro22]:** Not new requirements. More prescriptive and reworded from 010 and 020

**Comment [jtomaro23]:** Clarified language. Does not change requirements or impact.

**Comment [jtomaro24]:** Removed language about integrated staff as it is implied by this sentence.

DRAFT

## 246-337-010

### Licensing

The applicant shall not open or operate an RTF until all requirements for licensure set forth in this section are met, and the department issues an initial, renewed, or amended RTF license listing the service(s) the facility is approved to provide.

(1) Initial license: An applicant for an initial RTF license must submit to the department the following:

(a) A completed application on form(s) provided by the department, signed by the owner or legal designee;

(b) Disclosure statements and criminal history background checks obtained within the previous three months of the application date for the administrator in accordance with WAC 246-337-055;

(c) The license fee specified in WAC [246-337-990](#);

(d) Policies and procedures in compliance with chapter 71.12 RCW and this chapter for review and approval by the department; and

(e) A completed application, fee, and functional program plan for construction review according to 246-337-040 WAC.

(2) Written approval from the chief of the Washington state patrol, through the director of fire protection, as required by RCW [71.12.485](#) and chapter [212-12](#) WAC must be provided to the department prior to issuing a new RTF license.

(3) License renewal: At least thirty calendar days before the expiration date of the current license, the licensee must submit to the department:

(a) A completed application on form(s) provided by the department;

(b) Disclosure statements and criminal history background checks obtained within the previous three months of the application date for the administrator in accordance with WAC 246-337-055; and

(c) The renewal fee specified in WAC [246-337-990](#).

(4) Written approval from the chief of the Washington state patrol, through the director of fire protection, as required by RCW [71.12.485](#) and chapter [212-12](#) WAC must be provided to the department prior to renewing a RTF license.

(5) License amendment: At least sixty days prior to changing any of the services provided in the facility, number of resident beds, location or use of rooms as listed on the licensed room list, the physical structure of the RTF, a change in administrator; or a change in address the licensee must submit to the department:

(a) Notification in writing of the intended change;

(b) An amended RTF application on form(s) provided by the department;

(c) The administrative fee and other applicable fee(s) specified in WAC [246-337-990](#);

(d) A request to the department to determine the need for review by the department's construction review services and Washington State fire marshal;

(e) Policies and procedures in compliance with chapter 71.12 RCW and this chapter for review and approval by the department, if changing services; and

(f) Disclosure statements and criminal history background checks obtained within the previous three months of the application date for the administrator in accordance with WAC 246-337-055, if changing administrator.

(5) Change of ownership: At least sixty days prior to selling, leasing, renting or otherwise transferring control of a license that results in a change of the Uniform Business Identifier Number (UBI #) the licensee must submit to the department:

- (a) The full name and address of the current licensee and prospective licensee;
- (b) The name and address of the licensed RTF and the name under which the RTF will operate;

(c) Date of the proposed change; and

(d) Plans for preserving resident records, consistent with WAC [246-337-095](#).

(6) A prospective new RTF owner shall apply for licensure by complying with subsection (1) of this section.

(7) A RTF license is not transferable between owners.

(8) The licensee must:

(a) Maintain and post a current RTF license in a conspicuous place on the premises;

(b) Provide services limited to each approved service type that appears on the RTF license;

and

(c) Maintain the occupancy level at or below the licensed resident bed capacity of the RTF.

(9) The department shall:

(a) Prior to issuing, renewing, or amending a license:

(i) Review and approve the licensing application

(ii) Review and approve RTF policies and procedures according to this chapter, as

applicable;

(iii) Verify compliance with RTF construction standards according to this chapter, as applicable; and

(iv) Obtain written verification of compliance with RCW [71.12.485](#) and chapter [212-12](#) WAC administered by the Washington state patrol fire marshal fire protection service, as applicable.

(b) Issue or renew a license, effective one year from the date it is issued, when the applicant or licensee meets the requirements in chapter [71.12](#) RCW and this chapter;

(c) List, in writing on the license, the approved service types the RTF is approved to provide under this chapter;

(d) Conduct an unannounced on-site survey after initial licensure to determine compliance with the requirements of chapter [71.12](#) RCW and this chapter.

(10) The department may issue a single RTF license to include two or more buildings on the same campus, if the applicant or licensee:

(a) Meets the licensure requirements of chapter [71.12](#) RCW and this chapter; and

(b) Operates the multiple buildings as a single integrated system with governance by a single authority or body over all staff and buildings.

[Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-010, filed 7/20/05, effective 8/20/05.]

WAC 246-337-020

**Responsibilities and rights of the licensee and department**  
**Onsite survey and complaint investigations.**

(1) The licensee must:

(a) Comply with chapter 71.12 RCW and this chapter;

(b) Maintain and post in a conspicuous place on the premises:

(i) A current RTF license; and

(ii) The name, address and telephone number of the department, appropriate resident advocacy groups, and description of ombudsman services;

(c) Provide services limited to each service category that appears on the RTF license;

(d) Maintain the occupancy level at or below the licensed resident bed capacity of the RTF;

(e) Cooperate with the department during on-site surveys;

(f) Respond to a statement of deficiencies by submitting to the department:

(i) Within ten working days of receipt, a written plan of correction for each deficiency cited that includes a target date and is subject to approval by the department; and

(ii) A written progress report attesting to the final completion of the correction of deficiencies identified in the plan of correction.

(2) The department shall:

(a) Issue or renew a license when the applicant or licensee meets the requirements in chapter 71.12 RCW and this chapter;

(b) List, in writing, the service category(ies) the RTF is licensed to provide under this chapter;

(c) Verify compliance with RCW 71.12.485 and chapter 212-12 WAC administered by the Washington state patrol fire marshal fire protection service;

(d) Verify compliance with applicable state and local codes;

(3) The department may issue a single RTF license to include two or more RTF (campus), if the applicant or licensee:

(a) Meets the licensure requirements of chapter 71.12 RCW and this chapter; and

(b) Operates the multiple RTF as a single integrated system with:

(i) Governance by a single authority or body over all buildings;

(ii) All services provided by an integrated staff; and

(1) The licensee shall:

(a) Assist the department during surveys and investigations in a professional and cooperative manner;

(b) Submit a written plan of correction within ten working days of receipt of a statement of deficiency that includes specific corrective actions that must be taken to correct identified deficiencies, the individual responsible for assuring correcting of the deficiencies, and a time frame in which to complete the corrections;

(c) Assist the department in determining the final content of a directed plan of correction that includes specific corrective actions that the RTF administrator must take and a time frame in which to complete them. Timelines will be reduced to the minimum necessary, even prior to formalization of the directed plan of correction, to redress problems;

(d) Submit to the department updated plans of correction as needed.

(24) The department shall:

**Comment [jtomaro1]:** Created a new section to be specific to surveys and investigations. Content is not new, just moved or reorganized.

**Comment [jtomaro2]:** Moved to 010

**Comment [jtomaro3]:** Moved to patient rights

**Comment [jtomaro4]:** Moved to 010

**Comment [jtomaro5]:** Moved within this section

**Comment [jtomaro6]:** Moved to 010

**Comment [jtomaro7]:** No new requirements. Took out requirement of progress report as DOH has not been requiring one. Minor citations are given benefit of doubt based on POC. Major citations require a revisit which is already the practice.

- (a) Conduct unannounced on-site surveys upon initial licensure, annually, and as needed to determine compliance with the requirements of chapter 71.12 RCW and this chapter;
- (b) Conduct an investigation of every complaint alleging noncompliance with the requirements of chapter 71.12 RCW and this chapter;
- (c) Send the administrator a written statement of deficiencies identifying failure to meet specific requirements of chapter 71.12 RCW and this chapter or send the administrator a written statement of no deficiency;
- (d) Require the RTF to submit a written plan of correction for each deficiency identified within ten working days of receipt if the department determines that identified deficiencies are not major, broadly systemic, or of a recurring nature;
- (e) Issue a directed plan of correction including a statement of requirements by the department if the department determines that identified deficiencies are broadly systemic, recurring, or of a significant threat to public health and safety;
- (f) Review and approve plans of correction; and
- (g) Review and approve updated plans of correction.

After completing a survey, the department may:

- ~~(a) Give the administrator a written statement of deficiencies identifying failure to meet specific requirements of chapter 71.12 RCW and this chapter observed during an on-site survey;~~
- ~~(b) Obtain, review, and approve written plan of correction with dates to be completed;~~
- ~~(c) Review the progress report attesting to correction of deficiencies;~~
- ~~(d) Conduct a follow up on-site assessment at the discretion of the department;~~
- ~~(e) Document, during an initial survey or as needed, a department approved room list identifying resident rooms, the dimensions and calculated square footage of each room, the number of approved resident beds, and other information related to the licensed resident bed capacity. This list will be kept as part of the RTF licensure file.~~

[Statutory Authority: Chapter 71.12 RCW. WSR 05-15-157, § 246-337-020, filed 7/20/05, effective 8/20/05.]

**Comment [jtomaro8]:** No new requirement. Just clarified.

**Comment [jtomaro9]:** New language. Clarifies what is already being done. Not a new requirement.

**Comment [jtomaro10]:** Combined language already in 020 and 035.

## **WAC 246-337-020**

### **Onsite survey and complaint investigations.**

(1) The licensee shall:

- (a) Assist the department during surveys and investigations in a professional and cooperative manner;
- (b) Submit a written plan of correction within ten working days of receipt of a statement of deficiency that includes specific corrective actions that must be taken to correct identified deficiencies, the individual responsible for assuring correcting of the deficiencies, and a time frame in which to complete the corrections;
- (c) Assist the department in determining the final content of a directed plan of correction that includes specific corrective actions that the RTF administrator must take and a time frame in which to complete them. Timelines will be reduced to the minimum necessary, even prior to formalization of the directed plan of correction, to redress problems; and
- (d) Submit to the department updated plans of correction as needed.

(2) The department shall:

- (a) Conduct unannounced on-site surveys upon initial licensure, annually, and as needed to determine compliance with the requirements of chapter 71.12 RCW and this chapter;
- (b) Conduct an investigation of every complaint alleging noncompliance with the requirements of chapter 71.12 RCW and this chapter;
- (c) Send the administrator a written statement of deficiencies identifying failure to meet specific requirements of chapter [71.12 RCW](#) and this chapter or send the administrator a written statement of no deficiency;
- (d) Require the RTF to submit a written plan of correction for each deficiency identified within ten working days of receipt if the department determines that identified deficiencies are not major, broadly systemic, or of a recurring nature;
- (e) Issue a directed plan of correction including a statement of requirements by the department if the department determines that identified deficiencies are broadly systemic, recurring, or of a significant threat to public health and safety;
- (f) Review and approve plans of correction; and
- (g) Review and approve updated plans of correction.

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-020, filed 7/20/05, effective 8/20/05.]

## WAC 246-337-025

### **Exemptions ~~and~~ or alternative means and methods of compliance.**

(1) An applicant or licensee may request an exemption or alternative means or methods of compliance from any part of this chapter by submitting a written request to the department, including:

- (a) The specific section, or sections, of rules for which the exemption or alternative means or methods of compliance is requested;
- (b) An explanation of the circumstances involved;
- (c) A proposed alternative that would ensure the safety and health of residents meeting the intent of the rule; and
- (d) Any supporting research or other documentation.

(2) After review and consideration, the department may grant ~~an exemption~~ the request if the exemption or alternative means or methods of compliance does not:

- (a) Negate the purpose and intent of these rules;
- (b) Place the safety or health of the residents in the RTF in jeopardy;
- (c) Reduce any fire and life safety or infection control laws or rules; or
- (d) Adversely affect the structural integrity of a facility.

(3) The department will send a copy of the exemption or alternative means or methods of compliance decision to the licensee, and shall maintain the exemption or alternative means or methods of compliance as part of the current RTF file. The licensee shall maintain the documented exemption or alternative means or methods of compliance decision on file in the RTF.

[Statutory Authority: Chapter 71.12 RCW. WSR 05-15-157, § 246-337-025, filed 7/20/05, effective 8/20/05.]

## **WAC 246-337-025**

### **Exemptions or alternative means and methods of compliance.**

(1) An applicant or licensee may request an exemption or alternative means or methods of compliance from any part of this chapter by submitting a written request to the department, including:

(a) The specific section, or sections, of rules for which the exemption or alternative means or methods of compliance is requested;

(b) An explanation of the circumstances involved;

(c) A proposed alternative that would ensure the safety and health of residents meeting the intent of the rule; and

(d) Any supporting research or other documentation.

(2) After review and consideration, the department may grant the request if the exemption or alternative means or methods of compliance does not:

(a) Negate the purpose and intent of these rules;

(b) Place the safety or health of the residents in the RTF in jeopardy;

(c) Reduce any fire and life safety or infection control laws or rules; or

(d) Adversely affect the structural integrity of a facility.

(3) The department will send a copy of the exemption or alternative means or methods of compliance decision to the licensee, and shall maintain the exemption or alternative means or methods of compliance as part of the current RTF file. The licensee shall maintain the documented exemption or alternative means or methods of compliance decision on file in the RTF.

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-025, filed 7/20/05, effective 8/20/05.]

DRAFT

## WAC 246-337-035

### Procedures to deny, suspend, modify or revoke a license.

(1) The department may deny, suspend, modify, or revoke a RTF facility license under chapters 71.12, 43.70, 34.05 RCW and 246-10 WAC, if the applicant or licensee have:

(a) Been denied a license to operate a health care, child care, group care or personal care facility in this state or elsewhere, had the license suspended or revoked, or been found civilly liable or criminally convicted of operating the facility without a license;

(b) Committed, aided or abetted an illegal act in connection with the operation of any RTF or the provision of health care or residential services;

(c) Abandoned, abused, neglected, assaulted, or demonstrated indifference to the welfare and well-being of a resident;

(d) Failed to take immediate corrective action in any instance of assault, abuse, neglect, or indifference to the welfare of a resident;

(e) Retaliated against a staff member, resident or other individual for reporting suspected abuse or other alleged improprieties;

(f) Failed to comply with any of the provisions of chapter 71.12 RCW or this chapter; or

(g) Failed to meet DSHS certification standards under chapters 71.05, 70.96A and 71.34 RCW, when applicable.

(2) An applicant or licensee may contest a disciplinary decision or action of the department under RCW 43.70.115, chapters 34.05 RCW and 246-10 WAC.

(3) The department may summarily suspend a license pending a proceeding for revocation or other action if the department determines a deficiency is an imminent threat to a resident's health, safety, or welfare.

(4) In addition to any other rights allowed under applicable law, the department may address violations by an applicant or a licensee of chapter 71.12 RCW or this chapter by:

(a) Offering Requiring the RTF to submit a written plan of correction for each deficiency if the department determines that identified deficiencies are not major, broadly systemic, or of a recurring nature. Under this chapter, a "plan of correction" is a proposal devised by the applicant or licensee and approved by the department, that includes specific corrective actions that must be taken to correct identified deficiencies and a time frame in which to complete them. Implementation is required within the approved time frame, and is subject to verification by the department;

(b) Issuing Offering a directed plan of correction if the department determines that identified deficiencies are broadly systemic, recurring, or of a significant threat to public health and safety. Under this chapter, a "directed plan of correction" is a plan of correction based on a statement of deficiencies, and includes specific corrective actions that must be taken and a time frame in which to complete them. Under this chapter, a "statement of deficiencies" is a survey or investigation report completed by the department identifying one or more deficiencies. The final content of the directed plan of correction will be reached during meetings between the department and the licensee, following an initial statement of general requirements by the department. Timelines will be reduced to the minimum necessary, even prior to formalization of the directed plan of correction, to redress problems ;

(c) Initiating administrative action, under chapter 34.05 RCW, RCW 43.70.115 and chapter 246-10 WAC, either as the department's primary alternative, or in the event the department requires corrective action under (a) or (b) of this subsection, and the applicant or licensee fails to

Comment [jtomaro1]: May change

Comment [jtomaro2]: Moved from 020

Comment [jtomaro4]: Moved to 020

correct identified deficiencies to the department's satisfaction within the approved time frame; and/or

(d) Taking administrative action initiated under chapter [34.05 RCW](#):

(i) An administrative action may result in a hearing before a presiding officer and the issuance of formal findings and a directed order;

(ii) The administrative action and any resulting order constitute formal action under the provisions of chapter [34.05 RCW](#).

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-035, filed 7/20/05, effective 8/20/05.]

DRAFT

## WAC 246-337-035

### Procedures to deny, suspend, modify or revoke a license.

(1) The department may deny, suspend, modify, or revoke a RTF facility license under chapters [71.12](#), [43.70](#), [34.05 RCW](#) and [246-10 WAC](#), if the applicant or licensees have:

(a) Been denied a license to operate a health care, child care, group care or personal care facility in this state or elsewhere, had the license suspended or revoked, or been found civilly liable or criminally convicted of operating the facility without a license;

(b) Committed, aided or abetted an illegal act in connection with the operation of any RTF or the provision of health care or residential services;

(c) Abandoned, abused, neglected, assaulted, or demonstrated indifference to the welfare and well-being of a resident;

(d) Failed to take immediate corrective action in any instance of assault, abuse, neglect, or indifference to the welfare of a resident;

(e) Retaliated against a staff member, resident or other individual for reporting suspected abuse or other alleged improprieties;

(f) Failed to comply with any of the provisions of chapter [71.12 RCW](#) or this chapter; or

(g) Failed to meet DSHS certification standards under chapters [71.05](#), [70.96A](#) and [71.34 RCW](#), when applicable.

(2) An applicant or licensee may contest a disciplinary decision or action of the department under RCW [43.70.115](#), chapters [34.05 RCW](#) and [246-10 WAC](#).

(3) The department may summarily suspend a license pending a proceeding for revocation or other action if the department determines a deficiency is an imminent threat to a resident's health, safety, or welfare.

(4) In addition to any other rights allowed under applicable law, the department may address violations by an applicant or a licensee of chapter [71.12 RCW](#) or this chapter by:

(a) Requiring the RTF to submit a written plan of correction for each deficiency if the department determines that identified deficiencies are not major, broadly systemic, or of a recurring nature.;

(b) Issuing a directed plan of correction if the department determines that identified deficiencies are broadly systemic, recurring, or of a significant threat to public health and safety.;

(c) Initiating administrative action, under chapter [34.05 RCW](#), RCW [43.70.115](#) and chapter [246-10 WAC](#), either as the department's primary alternative, or in the event the department requires corrective action under (a) or (b) of this subsection, and the applicant or licensee fails to correct identified deficiencies to the department's satisfaction within the approved time frame; and/or

(d) Taking administrative action initiated under chapter [34.05 RCW](#):

(i) An administrative action may result in a hearing before a presiding officer and the issuance of formal findings and a directed order;

(ii) The administrative action and any resulting order constitute formal action under the provisions of chapter [34.05 RCW](#).

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-035, filed 7/20/05, effective 8/20/05.]

Comment [jtomaro1]: May change

## WAC 246-337-045

### Governance and administration.

The licensee must establish a governing body with responsibility for operating and maintaining the RTF. The governing body must provide organizational guidance and oversight to ensure that resources support and staff provides safe and adequate resident care including, but not limited to:

- (1) Adopting, periodically reviewing, and updating as necessary, policies that:
  - (a) Govern the organization and functions of the RTF including:
    - (i) A brief narrative explaining the scope of services provided;
    - (ii) An organization chart specifying the governing body, staff positions, and number of full- or part-time persons for each position; and
    - (iii) A policy addressing ~~that the provision of~~ sufficient resources such as personnel, facilities, equipment, and supplies are provided to meet the needs of the population served;
  - (b) Provide a process for communication and conflict resolution for both staff and residents;  
~~and~~
  - (c) Provide clear lines of authority for both management and operation of the RTF; ~~and.~~ -
  - (d) Implement the requirements of chapter 246-337 WAC and ensure they are:
    - (i) Kept current;
    - (ii) Made known to residents and staff
    - (iii) made available to all staff at all times; and
    - (iv) Complied with by staff.
- (2) Establishing job descriptions, procedures for selecting and periodically evaluating a qualified administrator to ~~assure that he or she carries~~carry out the goals and policies of the governing body. The administrator must:
  - (a) Be qualified through appropriate knowledge, experience and capabilities to supervise and administer the services ~~properly;~~
  - (b) Be available at all times either in person, by telephone, electronic pager, or similar electronic means, or ~~assure that a designated~~designate an alternate who has similar qualifications ~~is available and is be available, one hundred percent of the time, either in person, by telephone or electronic pager (or similar electronic means),~~ to carry out the goals, objectives and standards of the governing body.
    - (3) ~~Establishing written policies and procedures that implement all applicable rules, which are routinely reviewed by the administrator and the governing body to ensure they are kept current, made known to staff, made available at all times to all staff, and are complied with within the RTF.~~
- (3) Establishing a personnel system that ~~assures~~ensures:
  - (a) Personnel records of all employees and volunteers contain written job descriptions consistent with staff responsibilities and standards for professional licensing;
  - (b) Staff are assigned, oriented, trained, supervised, ~~monitored,~~ and evaluated;
  - (c) Staff who provide direct resident care, direct treatment, or manage the safety of a resident ~~are competent by training, experience and capability~~demonstrate competency;
  - (d) ~~All~~C contractors have current signed contracts on file clearly stating the responsibilities of the contractor;

Comment [jtomaro1]: Moved up

(e) Staff and contractors with unsupervised access to residents complies with WAC 246-337-055.

(5) ~~Establishing a RTF wide approach to a coordinated~~ quality improvement program for resident care services ~~under chapter 71.12 RCW~~ addressing health and safety by written policies and procedures describing the program for:

(a) Collection, analysis and implementation of improvements to address resident health and safety issues, to include but not limited to medication errors, grievances, restraint and/or seclusion, security incidents and emergency response; and

(b) Identification, investigation, analysis, documentation and implementation of changes or improvements to prevent future occurrences of any serious or undesirable resident outcomes (see chapter 246-337-065 (6) WAC.

[Statutory Authority: Chapter 71.12 RCW. WSR 05-15-157, § 246-337-045, filed 7/20/05, effective 8/20/05.]

DRAFT

## **WAC 246-337-045**

### **Governance and administration.**

The licensee must establish a governing body with responsibility for operating and maintaining the RTF. The governing body must provide organizational guidance and oversight to ensure that resources support and staff provides safe and adequate resident care including, but not limited to:

- (1) Adopting, periodically reviewing, and updating as necessary, policies that:
  - (a) Govern the organization and functions of the RTF including:
    - (i) A brief narrative explaining the scope of services provided;
    - (ii) An organization chart specifying the governing body, staff positions, and number of full- or part-time persons for each position; and
    - (iii) A policy addressing the provision of sufficient resources such as personnel, facilities, equipment, and supplies are provided to meet the needs of the population served;
  - (b) Provide a process for communication and conflict resolution for both staff and residents;
  - (c) Provide clear lines of authority for both management and operation of the RTF; and
  - (d) Implement the requirements of chapter 246-337 WAC and ensure they are:
    - (i) Kept current;
    - (ii) Made known to residents and staff
    - (iii) made available to all staff at all times; and
    - (iv) Complied with by staff.
- (2) Establishing job descriptions, procedures for selecting and periodically evaluating a qualified administrator to carry out the goals and policies of the governing body. The administrator must:
  - (a) Be qualified through appropriate knowledge, experience and capabilities to supervise and administer the services;
  - (b) Be available at all times either in person, by telephone, electronic pager, or similar electronic means, or designate an alternate who has similar qualifications and is be available, to carry out the goals, objectives and standards of the governing body.
- (3) Establishing a personnel system that ensures:
  - (a) Personnel records of all employees and volunteers contain written job descriptions consistent with staff responsibilities and standards for professional licensing;
  - (b) Staff are assigned, oriented, trained, supervised, and evaluated;
  - (c) Staff who provide direct resident care, direct treatment, or manage the safety of a resident demonstrate competency;
  - (d) All contractors have current signed contracts on file clearly stating the responsibilities of the contractor;
  - (e) Staff and contractors with unsupervised access to residents complies with WAC [246-337-055](#).
- (5) Establish a quality improvement program for resident care services addressing health and safety by written policies and procedures describing the program for:
  - (a) Collection, analysis and implementation of improvements to address resident health and safety issues, to include but not limited to medication errors, grievances, restraint and/or seclusion, security incidents and emergency response; and

(b) Identification, investigation, analysis, documentation and implementation of changes or improvements to prevent future occurrences of any serious or undesirable resident outcomes (see chapter 246-337-065 (6) WAC.

[Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-045, filed 7/20/05, effective 8/20/05.]

DRAFT

**WAC 246-337-050**

**Management of human resources.**

The licensee must ensure residents receive ~~health care by adequate numbers of~~ qualified staff authorized and competent to carry out assigned responsibilities, including:

(1) Staff present on a twenty-four hour per day basis to:

(a) Meet the needs of the residents served;

(b) Manage emergency situations;

(c) Provide crisis intervention;

(d) Implement health care plans; and

(e) Carry out required monitoring activities.

(2) At least one staff trained in basic first aid and age appropriate cardiopulmonary resuscitation is onsite twenty-four hours per day.

(3) Staff trained and credentialed (where applicable) to perform assigned job responsibilities consistent with scopes of practice, resident population characteristics and the resident's individual health care plan.

(4) The licensee must ensure and document that staff receive the following training as applicable:

(a) Initial orientation and ongoing training to address the safety and health care needs of the residents served for all staff;

(b) Blood borne pathogen training inclusive of HIV/AIDS training for staff involved in direct patient care;

(c) Initial and annual restraint and seclusion training in the proper and safe use of seclusion and/or restraint for staff required to perform restraint and seclusion procedures inclusive of:

(i) Techniques to identify staff and patient behaviors, events, and environmental factors that may trigger circumstances that require the use of a restraint or seclusion;

(ii) The use of nonphysical intervention skills;

(iii) Choosing the least restrictive intervention based on an individualized assessment of the patient's medical, or behavioral status or condition;

(iv) The safe application and use of all types of restraint or seclusion used in the RTF, including training in how to recognize and respond to signs of physical and psychological distress;

(v) Clinical identification of specific behavioral changes that indicate that restraint or seclusion is no longer necessary;

(vi) Monitoring the physical and psychological well-being of the patient who is restrained or secluded, including but not limited to respiratory and circulatory status, skin integrity, and vital signs; and

(d) Current basic first aid and age appropriate cardiopulmonary resuscitation (CPR) for staff required to provide first aid or CPR;

(5) Written documentation for each staff member including, but not limited to:

(a) Employment application

(b) Hire date;

(c) Verification of education and experience;

(d) Current job description;

(e) Criminal disclosure statement and results of a background check, according to WAC 246-337-055, completed within the previous three months of hire;

**Comment [jtomaro1]:** Reorganized into subsection. (1)(2)(3)=general requirements (4)= training requirements (5)= personnel type requirements

**Comment [jtomaro2]:** Changed to direct care staff

**Comment [jtomaro3]:** Added prescriptive language following federal requirements

(g) Current license/certification/registration (if applicable);  
(i) Current Washington State food and beverage service worker permit (if applicable);  
(j) Current driver's license (if applicable);  
(k) Initial and ongoing tuberculosis screening according to facility risk assessment and tuberculosis written plan according to WAC 246-337-060; and  
(l) Performance evaluation(s)  
(6) Independent contractors, consultants, students, volunteers and trainees must comply with this section.  
(1) A sufficient number of personnel must be present on a twenty-four hour per day basis to meet the health care needs of the residents served; managing emergency situations; crisis intervention, implementation of health care plans; and required monitoring activities.  
(2) Personnel trained, authorized and credentialed (where applicable) to carry out assigned job responsibilities consistent with scopes of practice, resident population characteristics and the resident's individual plan of care/treatment;  
(3) The presence of at least one individual trained in basic first aid and age appropriate cardiopulmonary resuscitation twenty-four hours per day.  
(4) Written documentation to verify credentials, training, and performance evaluations for each staff member including, but not limited to:  
(a) Employment application/hire date;  
(b) Verification of education, experience and training;  
(c) Current job description;  
(d) Criminal disclosure statement and results of a Washington state patrol background inquiry;  
(e) HIV/AIDS training or verification;  
(f) Current license/certification/registration (if applicable);  
(g) Current basic first aid and age appropriate cardiopulmonary resuscitation training (if applicable);  
(h) Current food and beverage service worker permit (if applicable);  
(i) Current driver's license (if applicable);  
(j) Tuberculosis screening (refer to WAC 246-337-060);  
(k) Performance evaluation(s);  
(l) Staff using restraint and seclusion procedures must receive initial and ongoing education and training in the proper and safe use of seclusion and/or restraints;  
(m) Initial orientation and ongoing training to address the safety and health care needs of the population served.  
(5) If independent contractors, consultants, students, volunteers and trainees are providing direct on-site residential care, the licensee must ensure their compliance with this section.  
 [Statutory Authority: Chapter 71.12 RCW. WSR 05-15-157, § 246-337-050, filed 7/20/05, effective 8/20/05.]

**Comment [jtomaro4]:** Moved to (1)

**Comment [jtomaro5]:** Moved to (3)

**Comment [jtomaro6]:** Moved to (2)

**Comment [jtomaro7]:** Reworded and separated into training (4) and personnel (5)

**Comment [jtomaro8]:** Moved to (5)

**Comment [jtomaro9]:** Moved to (4)

**Comment [jtomaro10]:** Moved to (5)

**Comment [jtomaro11]:** Moved to (4)

**Comment [jtomaro12]:** Moved to (5)

**Comment [jtomaro13]:** Moved to (4) and more descriptive

**Comment [jtomaro14]:** Moved to (4)

**Comment [jtomaro15]:** Reworded

## **WAC 246-337-050**

### **Management of human resources.**

The licensee must ensure residents receive care from qualified staff authorized and competent to carry out assigned responsibilities, including:

- (1) Staff present on a twenty-four hour per day basis to:
  - (a) Meet the needs of the residents served;
  - (b) Manage emergency situations;
  - (c) Provide crisis intervention;
  - (d) Implement health care plans; and
  - (e) Carry out required monitoring activities.
- (2) At least one staff trained in basic first aid and age appropriate cardiopulmonary resuscitation is onsite twenty-four hours per day
- (3) Staff trained and credentialed (where applicable) to perform assigned job responsibilities consistent with scopes of practice, resident population characteristics and the resident's individual health care plan.
- (4) The licensee must ensure and document that staff receive the following training as applicable:
  - (a) Initial orientation and ongoing training to address the safety and health care needs of the residents served for all staff;
  - (b) Blood borne pathogen training inclusive of HIV/AIDS training for staff involved in direct patient care;
  - (c) Initial and annual restraint and seclusion training in the proper and safe use of seclusion and/or restraint for staff required to perform restraint and seclusion procedures inclusive of:
    - (i) Techniques to identify staff and patient behaviors, events, and environmental factors that may trigger circumstances that require the use of a restraint or seclusion;
    - (ii) The use of nonphysical intervention skills;
    - (iii) Choosing the least restrictive intervention based on an individualized assessment of the patient's medical, or behavioral status or condition;
    - (iv) The safe application and use of all types of restraint or seclusion used in the RTF, including training in how to recognize and respond to signs of physical and psychological distress;
    - (v) Clinical identification of specific behavioral changes that indicate that restraint or seclusion is no longer necessary;
    - (vi) Monitoring the physical and psychological well-being of the patient who is restrained or secluded, including but not limited to respiratory and circulatory status, skin integrity, and vital signs; and
  - (d) Current basic first aid and age appropriate cardiopulmonary resuscitation (CPR) for staff required to provide first aid or CPR;
- (5) Written documentation for each staff member including, but not limited to:
  - (a) Employment application
  - (b) Hire date;
  - (c) Verification of education and experience;
  - (d) Current job description;
  - (e) Criminal disclosure statement and results of a background check, according to WAC 246-337-055, completed within the previous three months of hire;

- (g) Current license/certification/registration (if applicable);
- (i) Current Washington State food and beverage service worker permit (if applicable);
- (j) Current driver's license (if applicable);
- (k) Initial and ongoing tuberculosis screening according to facility risk assessment and tuberculosis written plan according to WAC 246-337-060; and
- (l) Performance evaluation(s)
- (6) Independent contractors, consultants, students, volunteers and trainees must comply with this section.

[Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-050, filed 7/20/05, effective 8/20/05.]

DRAFT

**WAC 246-337-055**

**Personnel criminal history, disclosure, and background inquiries.**

The licensee must ~~screen~~ensure that ~~the administrator and~~ all staff, independent contractors, consultants, students, volunteers and trainees with unsupervised access to residents ~~are screened~~ for criminal history disclosure and background requirements using a Washington Access to Criminal History (WATCH) report and consistent with RCW 43.43.830 through 43.43.842. Reports must be readily available to the department upon request.

[Statutory Authority: Chapter 71.12 RCW. WSR 05-15-157, § 246-337-055, filed 7/20/05, effective 8/20/05.]

**Comment [jtomaro1]:** 010 refers to this WAC so adding "administrator" for clarification.

**Comment [jtomaro2]:** Clarifying that this is the only report that WSP runs. Other reports are not accepted because it would require verification that it is equivalent to this report.

**Comment [jtomaro3]:** Required as part of the facility survey.

DRAFT

## **WAC 246-337-055**

### **Personnel criminal history, disclosure, and background inquiries.**

The licensee must screen the administrator and all staff, independent contractors, consultants, students, volunteers and trainees with unsupervised access to residents for criminal history disclosure and background requirements using a Washington Access to Criminal History (WATCH) report and consistent with RCW [43.43.830](#) through [43.43.842](#). Reports must be readily available to the department upon request.

[Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-055, filed 7/20/05, effective 8/20/05.]

DRAFT

## **Chapter 246-337 WAC**

### **RESIDENTIAL TREATMENT FACILITY**

#### Chapter Listing

#### **WAC Sections**

<u>246-337-001</u>	Scope and purpose.
<u>246-337-005</u>	Definitions.
<u>246-337-010</u>	Initial licensure and renewal process.
<u>246-337-015</u>	Service categories.
<u>246-337-020</u>	Responsibilities and rights of the licensee and department.
<u>246-337-025</u>	Exemptions and alternative methods.
<u>246-337-030</u>	Retroactivity.
<u>246-337-035</u>	Procedures to deny, suspend, modify or revoke a license.
<u>246-337-040</u>	Review of construction documents and functional program.
<u>246-337-045</u>	Governance and administration.
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<u>246-337-080</u>	Resident care services.
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<u>246-337-100</u>	Health care plan.
<u>246-337-105</u>	Medication management.
<u>246-337-110</u>	Use of seclusion and restraint.
<u>246-337-115</u>	Cleaning, maintenance and refuse disposal.
<u>246-337-120</u>	Facility, environment, and space requirements.
<u>246-337-125</u>	Toilet rooms and bathrooms.
<u>246-337-130</u>	Water supply, sewage and waste disposal.
<u>246-337-135</u>	Heating, ventilation and air conditioning.
<u>246-337-140</u>	Lighting, emergency lighting, and electrical outlets.
<u>246-337-145</u>	Laundry.
<u>246-337-150</u>	Resident rooms, furnishings and storage.
<u>246-337-155</u>	Pet management and safety.
<u>246-337-990</u>	Licensing fees.

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#### **246-337-001**

#### **Scope and purpose.**

(1) This chapter implements chapter [71.12 RCW](#) and sets the minimum health and safety standards for licensure and operations of twenty-four hour private, county or municipal residential treatment facilities (RTF) providing health care services to persons with mental disorders or substance abuse.

(2) Additionally, these rules apply to residential treatment facilities licensed by the department of health under chapter [71.12 RCW](#) and certified by the department of social and health services under chapter [71.05 RCW](#) (Mental illness), chapter [70.96A RCW](#) (Treatment for alcoholism, intoxication and drug addiction), and chapter [71.34 RCW](#) (Mental health services for minors).

(3) These rules are intended to supplement other applicable federal, state and local laws, rules and ordinances. If any provision of this chapter is more restrictive than local codes and ordinances this chapter shall prevail over any less restrictive provision.

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-001, filed 7/20/05, effective 8/20/05.]

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## 246-337-005

### Definitions.

For the purpose of this chapter, the following words and phrases have the following meanings unless the context clearly indicates otherwise:

(1) "**Administrator**" means an individual person responsible for managing the day-to-day operations of the RTF.

(2) "**Adult**" means an individual age eighteen years or older.

(3) "**Approved**" means approved by the department, unless otherwise specified.

(4) "**Authorized**" means mandated or permitted, in writing, by the administrator to perform an act that is within a health care provider's lawful scope of practice, or that was lawfully delegated to the health care provider or to the unlicensed staff member.

(5) "**Bathroom**" means a room containing at least one bathtub or shower.

(6) "**Chemical dependency**" means alcoholism, drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(7) "**Chemical dependency RTF**" means all or part of an RTF certified by DSHS under chapter [70.96A RCW](#), that provides twenty-four hour evaluation, stabilization and treatment services for persons with chemical dependency within one or more of the following service categories:

(a) "**Acute detoxification**" as defined in chapter [388-805 WAC](#);

(b) "**Subacute detoxification**" as defined in chapter [388-805 WAC](#);

(c) "**Intensive inpatient services**" as defined in chapter [388-805 WAC](#);

(d) "**Long-term treatment services**" as defined in chapter [388-805 WAC](#);

(e) "**Recovery house services**" as defined in chapter [388-805 WAC](#).

(8) "**Child**" or "**minor**" means an individual under the age of eighteen.

(9) "**Communicable disease**" means a disease caused by an infectious agent that can be transmitted from one person, animal, or object to another individual by direct or indirect means including transmission via an intermediate host or vector, food, water or air.

(10) "**Confidential**" means information that may not be disclosed except under specific conditions permitted or mandated by law or legal agreement between the parties concerned.

(11) "**Construction**" means:

(a) The erection of a facility;

(b) An addition, modification, alteration or change of an approved use to an existing facility;

or

(c) The conversion of an existing facility or portion of a facility for use as a RTF.

(12) "**DASA**" means division of alcohol and substance abuse, within DSHS.

(13) "**Department**" means the Washington state department of health.

(14) "**DSHS**" means the Washington state department of social and health services.

(15) "**Emergency health care**" means services provided consistent with the health care needs of the resident for an acute illness, injury, or unexpected clinical event as determined by an authorized health care provider.

(16) "**Facility**" means a building or portion of a building.

(17) "**First aid**" means care for a condition that requires immediate assistance from an individual trained and certified in first-aid procedures.

(18) "**Hand hygiene**" means handwashing, antiseptic hand wash, or antiseptic hand or surgical hand antisepsis.

(19) "**Health**" means a state of complete physical and mental well-being and not merely the absence of disease or infirmity.

(20) "**Health assessment**" means a systematic examination of the person's body conducted by an authorized health care provider.

(21) "**Health care**" means any care, service, or procedure provided by a health care provider to diagnose, treat, or maintain a resident's physical or mental condition, or that affects the structure or function of the human body.

(22) "**Health care provider**" means an individual who is licensed, registered or certified under Title [18 RCW](#) to provide health care within a particular profession's statutorily authorized scope of practice.

(23) "**Health care screen**" means the process approved by an authorized health care provider to determine the health care needs of a resident.

(24) "**Licensee**" means the person, corporation, association, organization, county, municipality, public hospital district, or other legal entity, including any lawful successors thereto to whom the department issues a RTF license.

(25) "**Medication**" means a legend drug prescribed for a resident by an authorized health care provider, or nonprescription drugs, also called "over-the-counter medications," that can be purchased by the general public without a prescription.

(26) "**Medication administration**" means the direct application of a medication or device by ingestion, inhalation, injection, or any other means, whether self-administered by a resident, or administered by a parent or guardian (for a minor), or an authorized health care provider.

(27) "**Medication self-administration**" or "**self-medication administration**" means a process by which each resident obtains his/her container of medication from a supervised and secure storage area, removes the dose needed and ingests or applies the medication as directed on the label while being observed by staff.

(28) "**Medication error**" includes any failure to administer or receive a medication according to an authorized health care provider's order, or according to the manufacturer's directions for nonprescription drugs.

(29) "**Medication protocol**" means a specific group of orders to be used for specific symptoms for specific residents and authorized by a health care provider.

(30) "**Mental health RTF**" means all or part of a RTF providing twenty-four hour evaluation, stabilization and treatment services for persons with a mental disorder and certified by DSHS under chapters [71.05](#) or [71.34](#) RCW, within one or more of the following service categories:

- (a) "**Adult residential treatment**" as defined in chapter [388-865](#) WAC;
- (b) "**Inpatient evaluation and treatment**" as defined in chapter [388-865](#) WAC;
- (c) "**Child inpatient evaluation and treatment**" as defined in chapter [388-865](#) WAC.
- (d) "**Child long-term inpatient treatment**" as defined in chapter [388-865](#) WAC.

(31) "**Parent**" means:

(a) A biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under joint custody agreement; or

(b) An individual or agency judicially appointed as legal guardian or custodian of the child.

(32) "**Resident**" means an individual (adult or child) admitted to the RTF licensed under this chapter.

(33) "**Residential treatment facility**" or "**RTF**" means a facility for purposes of evaluation and treatment or evaluation and referral of any individual with a chemical dependency or mental disorder.

(34) "**Restraint**" means a continuum of methods used to prevent or limit free body movement.

(35) "**Room**" means a space set apart by floor to ceiling partitions on all sides with all openings provided with doors or windows.

(36) "**Seclusion**" means the involuntary confinement of a resident alone in a room or area from which the resident is physically prevented from leaving.

(37) "**Sink**" means a properly trapped plumbing fixture, capable of holding water, with approved potable hot and cold running water under pressure.

(38) "**Survey**" means an inspection or investigation conducted by the department to evaluate and monitor a licensee's compliance with chapter [71.12](#) RCW and this chapter.

(39) "**Toilet room**" means a room containing a water closet (toilet).

(40) "**WISHA**" means the state of Washington Industrial Safety and Health Act, chapter [49.17](#) RCW, administered by the Washington state department of labor and industries.

[Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-005, filed 7/20/05, effective 8/20/05.]

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## 246-337-010

### Initial licensure and renewal process.

(1) **Initial:** An applicant for an initial RTF license must submit to the department, sixty days or more before starting:

(a) A completed application on form(s) provided by the department, signed by the owner or legal designee, including:

(i) The identity of each officer and director, or their equivalent, of the licensee;

(ii) Disclosure statements and criminal history background checks obtained within three months of the application date for the administrator in accordance with chapter [43.43](#) RCW;

(iii) The license fee specified in WAC [246-337-990](#); and

(iv) A reduced floor plan on 8-1/2 x 11 size paper that shows each room within the facility in a manner that is easily seen and understood.

(b) Evidence of applicant's compliance with chapter [71.12 RCW](#) and this chapter including:

(i) The department approved construction documents and functional program plan;

(ii) Documentation of application for certification by DSHS under chapter [71.05 RCW](#) (Mental illness), chapter [70.96A RCW](#) (Treatment for alcoholism, intoxication and drug addiction), or chapter [71.34 RCW](#) (Mental health services for minors);

(iii) Approval of the chief of the Washington state patrol, through the director of fire protection, as required by RCW [71.12.485](#) and chapter [212-12 WAC](#);

(iv) Compliance with all applicable federal, state and local laws, rules, and codes; and

(v) Completion of an initial on-site survey.

(c) Other information as required by the department.

(2) If the applicant has met all requirements for licensure set forth in subsection (1) of this section, the department shall issue a RTF license (listing the service categories). An RTF license is effective for one year from the date it is issued.

(3) **Renewal:** At least thirty days before the expiration date of the current license, the licensee must submit to the department:

(a) A completed application on form(s) provided by the department;

(b) Disclosure statements and criminal history background checks obtained within three months of the renewal date for the administrator in accordance with chapter [43.43 RCW](#);

(c) The fee specified in WAC [246-337-990](#);

(d) Documentation satisfactory to the department of licensee's compliance with chapter [71.12 RCW](#) and this chapter, including the following:

(i) Compliance with rules adopted by the chief of the Washington state patrol, through the director of fire protection, as required by RCW [71.12.485](#) and chapter [212-12 WAC](#);

(ii) Compliance with all applicable federal, state and local laws, and rules; and

(e) Other information as required by the department.

(4) At least sixty days prior to changing any of the license service categories, number of resident beds, location or use of rooms as listed on the licensed room list, or the physical structure of the RTF, the licensee must:

(a) Notify the department in writing of the intended change;

(b) Request the department to determine the need for review by the department's construction review services; and

(c) If the change involves an approved increase in beds, the licensee must pay a fee under WAC [246-337-990](#);

(5) At least sixty days prior to selling, leasing, renting or otherwise transferring control of a license, that results in a change of the Uniform Business Identifier Number (UBI #), the licensee must submit to the department:

(a) The full name and address of the current licensee and prospective licensee;

(b) The name and address of the licensed RTF and the name under which the RTF will operate;

(c) Date of the proposed change;

(d) Plans for preserving resident records, consistent with WAC [246-337-095](#); and

(e) Other information required by the department.

(6) A prospective new RTF owner shall apply for licensure by complying with subsection (1) of this section.

(7) A RTF license is not transferable.

[Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-010, filed 7/20/05, effective 8/20/05.]

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## **246-337-015**

### **Service categories.**

A licensee may provide services under a single RTF license for one or more of the following service categories:

- (1) Chemical dependency acute detoxification;
- (2) Chemical dependency subacute detoxification;
- (3) Chemical dependency intensive inpatient;
- (4) Chemical dependency long-term treatment;
- (5) Chemical dependency recovery house;
- (6) Mental health adult residential treatment (includes crisis services for twenty-four hours or more);
- (7) Mental health inpatient evaluation and treatment;
- (8) Mental health child long-term inpatient treatment;
- (9) Mental health child inpatient evaluation and treatment.

[Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-015, filed 7/20/05, effective 8/20/05.]

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## **246-337-020**

### **Responsibilities and rights of the licensee and department.**

- (1) The licensee must:
  - (a) Comply with chapter [71.12](#) RCW and this chapter;
  - (b) Maintain and post in a conspicuous place on the premises:
    - (i) A current RTF license; and
    - (ii) The name, address and telephone number of the department, appropriate resident advocacy groups, and description of ombudsman services;
  - (c) Provide services limited to each service category that appears on the RTF license;
  - (d) Maintain the occupancy level at or below the licensed resident bed capacity of the RTF;
  - (e) Cooperate with the department during on-site surveys;
  - (f) Respond to a statement of deficiencies by submitting to the department:
    - (i) Within ten working days of receipt, a written plan of correction for each deficiency cited that includes a target date and is subject to approval by the department; and
    - (ii) A written progress report attesting to the final completion of the correction of deficiencies identified in the plan of correction.
- (2) The department shall:
  - (a) Issue or renew a license when the applicant or licensee meets the requirements in chapter [71.12](#) RCW and this chapter;

- (b) List, in writing, the service category(ies) the RTF is licensed to provide under this chapter;
  - (c) Verify compliance with RCW [71.12.485](#) and chapter [212-12](#) WAC administered by the Washington state patrol fire marshal fire protection service;
  - (d) Verify compliance with applicable state and local codes;
  - (3) The department may issue a single RTF license to include two or more RTF (campus), if the applicant or licensee:
    - (a) Meets the licensure requirements of chapter [71.12](#) RCW and this chapter; and
    - (b) Operates the multiple RTF as a single integrated system with:
      - (i) Governance by a single authority or body over all buildings;
      - (ii) All services provided by an integrated staff; and
    - (4) Conduct on-site surveys. After completing a survey, the department may:
      - (a) Give the administrator a written statement of deficiencies identifying failure to meet specific requirements of chapter [71.12](#) RCW and this chapter observed during an on-site survey;
      - (b) Obtain, review, and approve written plan of correction with dates to be completed;
      - (c) Review the progress report attesting to correction of deficiencies;
      - (d) Conduct a follow up on-site assessment at the discretion of the department;
      - (e) Document, during an initial survey or as needed, a department-approved room list identifying resident rooms, the dimensions and calculated square footage of each room, the number of approved resident beds, and other information related to the licensed resident bed capacity. This list will be kept as part of the RTF licensure file.
- [Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-020, filed 7/20/05, effective 8/20/05.]

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## **246-337-025**

### **Exemptions and alternative methods.**

- (1) An applicant or licensee may request an exemption from any part of this chapter by submitting a written request to the department, including:
  - (a) The specific section, or sections, of rules for which the exemption is requested;
  - (b) An explanation of the circumstances involved;
  - (c) A proposed alternative that would ensure the safety and health of residents meeting the intent of the rule; and
  - (d) Any supporting research or other documentation.
- (2) After review and consideration, the department may grant an exemption if the exemption does not:
  - (a) Negate the purpose and intent of these rules;
  - (b) Place the safety or health of the residents in the RTF in jeopardy;
  - (c) Reduce any fire and life safety or infection control laws or rules; or
  - (d) Adversely affect the structural integrity of a facility.
- (3) The department will send a copy of the exemption decision to the licensee, and shall maintain the exemption as part of the current RTF file. The licensee shall maintain the documented exemption decision on file in the RTF.

[Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-025, filed 7/20/05, effective 8/20/05.]

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## **246-337-030**

### **Retroactivity.**

Any construction on or after the effective date of this chapter must comply with this chapter. RTFs that are licensed and operating on the effective date of this chapter may continue to operate without modifications to the facility, unless specifically required under this chapter, or as deemed necessary by either the local building official, the department, other licensing regulators, the state fire marshal, for the general safety and welfare of the occupants and public.

[Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-030, filed 7/20/05, effective 8/20/05.]

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## **246-337-035**

### **Procedures to deny, suspend, modify or revoke a license.**

(1) The department may deny, suspend, modify, or revoke a RTF facility license under chapters [71.12](#), [43.70](#), [34.05](#) RCW and [246-10](#) WAC, if the applicant or licensees have:

(a) Been denied a license to operate a health care, child care, group care or personal care facility in this state or elsewhere, had the license suspended or revoked, or been found civilly liable or criminally convicted of operating the facility without a license;

(b) Committed, aided or abetted an illegal act in connection with the operation of any RTF or the provision of health care or residential services;

(c) Abandoned, abused, neglected, assaulted, or demonstrated indifference to the welfare and well-being of a resident;

(d) Failed to take immediate corrective action in any instance of assault, abuse, neglect, or indifference to the welfare of a resident;

(e) Retaliated against a staff member, resident or other individual for reporting suspected abuse or other alleged improprieties;

(f) Failed to comply with any of the provisions of chapter [71.12](#) RCW or this chapter; or

(g) Failed to meet DSHS certification standards under chapters [71.05](#), [70.96A](#) and [71.34](#) RCW.

(2) An applicant or licensee may contest a disciplinary decision or action of the department under RCW [43.70.115](#), chapters [34.05](#) RCW and [246-10](#) WAC.

(3) The department may summarily suspend a license pending a proceeding for revocation or other action if the department determines a deficiency is an imminent threat to a resident's health, safety, or welfare.

(4) In addition to any other rights allowed under applicable law, the department may address violations by an applicant or a licensee of chapter [71.12](#) RCW or this chapter by:

(a) Offering a plan of correction if the department determines that identified deficiencies are not major, broadly systemic, or of a recurring nature. Under this chapter, a "plan of correction" is a proposal devised by the applicant or licensee and approved by the department, that includes specific corrective actions that must be taken to correct identified deficiencies and a time frame

in which to complete them. Implementation is required within the approved time frame, and is subject to verification by the department;

(b) Offering a directed plan of correction if the department determines that identified deficiencies are broadly systemic, recurring, or of a significant threat to public health and safety. Under this chapter, a "directed plan of correction" is a plan of correction based on a statement of deficiencies, and includes specific corrective actions that must be taken and a time frame in which to complete them. Under this chapter, a "statement of deficiencies" is a survey or investigation report completed by the department identifying one or more deficiencies. The final content of the directed plan of correction will be reached during meetings between the department and the licensee, following an initial statement of general requirements by the department. Timelines will be reduced to the minimum necessary, even prior to formalization of the directed plan of correction, to redress problems;

(c) Initiating administrative action, under chapter [34.05 RCW](#), [RCW 43.70.115](#) and chapter [246-10 WAC](#), either as the department's primary alternative, or in the event the department requires corrective action under (a) or (b) of this subsection, and the applicant or licensee fails to correct identified deficiencies to the department's satisfaction within the approved time frame; and/or

(d) Taking administrative action initiated under chapter [34.05 RCW](#):

(i) An administrative action may result in a hearing before a presiding officer and the issuance of formal findings and a directed order;

(ii) The administrative action and any resulting order constitute formal action under the provisions of chapter [34.05 RCW](#).

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-035, filed 7/20/05, effective 8/20/05.]

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## **246-337-040**

### **Review of construction documents and functional program.**

(1) Prior to beginning any construction or remodeling, the applicant or licensee must submit an application and fee, if applicable, to the department and receive written authorization by the department to proceed.

(2) The licensee or applicant must submit a written functional program, in accordance with [RCW 71.12.470](#), outlining the service categories and types of residents to be served and how the needs of the residents will be met including, but not limited to:

- (a) Program goals;
- (b) Staffing and health care to be provided;
- (c) Infection control;
- (d) Security and safety;
- (e) Seclusion and restraint;
- (f) Laundry;
- (g) Food and nutrition; and
- (h) Medication.

(3) The licensee or applicant must submit accurate, timely, and complete construction documents that comply with all governing rules.

(4) Construction documents must include:

(a) Drawings prepared, stamped, and signed by an architect licensed by the state of Washington under chapter [18.08 RCW](#). The services of a consulting engineer licensed by the state of Washington may be used for the various branches of the work, if appropriate; and

(b) Drawings with coordinated architectural, mechanical, and electrical work drawn to scale showing complete details for construction, including:

(i) Site plan(s) showing streets, driveways, parking, vehicle and pedestrian circulation, utility line locations, and location of existing and new buildings;

(ii) Dimensioned floor plan(s) with the function of each room and fixed/required equipment designated;

(iii) Elevations, sections, and construction details;

(iv) Schedule of floor, wall, and ceiling finishes;

(v) Schedules of doors and windows - sizes and type, and door finish hardware;

(vi) Mechanical systems - plumbing and heating/venting/air conditioning; and

(vii) Electrical systems, including lighting, power, and communication/notification systems;

(c) Specifications that describe with specificity the workmanship and finishes; and

(d) Shop drawings and related equipment specifications for:

(i) An automatic fire sprinkler system when required by other codes; and

(ii) An automatic fire alarm system when required by other codes.

(5) A license may not be issued for a new RTF, a new facility within an RTF, or changes in resident bed capacity or licensed service category(ies) for a currently licensed RTF, without written approval from the department's construction review services unit and residential care services program.

(6) The applicant or licensee must:

(a) Comply with the standards as adopted by the Washington state building code council;

(b) Assure conformance to the approved plans during construction;

(c) Submit addenda, change orders, construction change directives or any other deviation from the approved plans prior to their installation;

(d) Provide a written construction project completion notice to the department indicating:

(i) The completion date; and

(ii) The actual construction cost;

(e) Make adequate provisions for the health, safety, and comfort of residents during construction projects.

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-040, filed 7/20/05, effective 8/20/05.]

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## **246-337-045**

### **Governance and administration.**

The licensee must establish a governing body with responsibility for operating and maintaining the RTF. The governing body must provide organizational guidance and oversight to ensure that resources support and staff provides safe and adequate resident care including, but not limited to:

(1) Adopting, periodically reviewing, and updating as necessary, policies that:

(a) Govern the organization and functions of the RTF including:

(i) A brief narrative explaining the scope of services provided;

- (ii) An organization chart specifying the governing body, staff positions, and number of full- or part-time persons for each position; and
  - (iii) A policy addressing that sufficient resources such as personnel, facilities, equipment, and supplies are provided to meet the needs of the population served;
    - (b) Provide a process for communication and conflict resolution for both staff and residents; and
    - (c) Provide clear lines of authority for both management and operation of the RTF.
  - (2) Establishing procedures for selecting and periodically evaluating a qualified administrator to assure that he or she carries out the goals and policies of the governing body. The administrator must:
    - (a) Be qualified through appropriate knowledge, experience and capabilities to supervise and administer the services properly;
    - (b) Be available, or assure that a designated alternate who has similar qualifications is available, one hundred percent of the time, either in person, by telephone or electronic pager (or similar electronic means), to carry out the goals, objectives and standards of the governing body.
  - (3) Establishing written policies and procedures that implement all applicable rules, which are routinely reviewed by the administrator and the governing body to ensure they are kept current, made known to staff, made available at all times to all staff, and are complied with within the RTF.
  - (4) Establishing a personnel system that assures:
    - (a) Personnel records of all employees and volunteers contain written job descriptions consistent with staff responsibilities and standards for professional licensing;
    - (b) Staff are assigned, oriented, trained, supervised, monitored, and evaluated;
    - (c) Staff who provide direct resident care, direct treatment, or manage the safety of a resident are competent by training, experience and capability;
    - (d) Contractors have current contracts on file clearly stating the responsibilities of the contractor;
    - (e) Staff with unsupervised access to residents complies with WAC [246-337-055](#).
  - (5) Establishing a RTF-wide approach to a coordinated quality improvement program for resident care services under chapter [71.12 RCW](#) addressing health and safety.
- [Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-045, filed 7/20/05, effective 8/20/05.]

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## **246-337-050**

### **Management of human resources.**

The licensee must ensure residents receive health care by adequate numbers of staff authorized and competent to carry out assigned responsibilities, including:

- (1) A sufficient number of personnel must be present on a twenty-four hour per day basis to meet the health care needs of the residents served; managing emergency situations; crisis intervention, implementation of health care plans; and required monitoring activities.
- (2) Personnel trained, authorized and credentialed (where applicable) to carry out assigned job responsibilities consistent with scopes of practice, resident population characteristics and the resident's individual plan of care/treatment;

(3) The presence of at least one individual trained in basic first aid and age appropriate cardiopulmonary resuscitation twenty-four hours per day.

(4) Written documentation to verify credentials, training, and performance evaluations for each staff member including, but not limited to:

- (a) Employment application/hire date;
- (b) Verification of education, experience and training;
- (c) Current job description;
- (d) Criminal disclosure statement and results of a Washington state patrol background inquiry;
- (e) HIV/AIDS training or verification;
- (f) Current license/certification/registration (if applicable);
- (g) Current basic first aid and age appropriate cardiopulmonary resuscitation training (if applicable);
- (h) Current food and beverage service worker permit (if applicable);
- (i) Current driver's license (if applicable);
- (j) Tuberculosis screening (refer to WAC [246-337-060](#));
- (k) Performance evaluation(s);
- (l) Staff using restraint and seclusion procedures must receive initial and ongoing education and training in the proper and safe use of seclusion and/or restraints;
- (m) Initial orientation and ongoing training to address the safety and health care needs of the population served.

(5) If independent contractors, consultants, students, volunteers and trainees are providing direct on-site residential care, the licensee must ensure their compliance with this section.

[Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-050, filed 7/20/05, effective 8/20/05.]

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## **246-337-055**

### **Personnel criminal history, disclosure, and background inquiries.**

The licensee must ensure that all staff, independent contractors, consultants, students, volunteers and trainees with unsupervised access to residents are screened for criminal history disclosure and background requirements consistent with RCW [43.43.830](#) through [43.43.842](#).

[Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-055, filed 7/20/05, effective 8/20/05.]

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## **246-337-060**

### **Infection control.**

The licensee must ensure each resident's care is provided in an environment that prevents the transmission of infections and communicable disease among residents, staff, and visitors including:

- (1) Implementing and maintaining an infection control program by assignment of responsibility for infection control and monitoring to a specified staff member.

(2) Maintaining an infection control program that includes adoption and implementation of written policies and procedures for:

(a) Meeting the standards as outlined in the most recent edition of the department's *Human Immune Deficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) Curriculum Manual*, including;

- (i) Hand hygiene;
- (ii) Disinfection;
- (iii) Standard/universal precautions;

(b) Residents with poor hygiene;

(c) Control of bloodborne pathogens in accordance with WISHA, chapter [296-823 WAC](#);

(d) Control of tuberculosis consistent with WISHA, department guidelines, and chapter [246-170 WAC](#);

(e) Exclusion of staff from work who have a communicable disease in an infectious stage; and

(f) Environmental management and housekeeping functions.

(3) Ensuring that staff report notifiable conditions and cooperate with public health authorities to facilitate investigation of a case, suspected case, or outbreak of a notifiable condition, consistent with chapter [246-101 WAC](#).

(4) Providing the equipment necessary to implement the RTF infection control policies and procedures.

(5) Complying with chapter [246-100 WAC](#) "Communicable and certain other diseases."

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-060, filed 7/20/05, effective 8/20/05.]

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## **246-337-065**

### **Health and safety.**

The licensee must protect resident health and safety by developing written policies and procedures that are consistent with the requirements of this chapter, and address:

(1) Coordination of interagency and intra-agency services, if any, to meet and provide for resident health care needs.

(2) The provision of health care services.

(3) The provision for transportation for residents in accordance with Washington state laws and rules governing transportation.

(4) Smoking policies and procedures in compliance with applicable Washington state laws and rules.

(5) Security to protect residents, visitors, staff and property including, but not limited to:

(a) Controlling access to and egress (elopement and evacuation) from the RTF; and

(b) Investigating, and recording all security incidents.

(6) Reporting to the department serious or undesirable resident outcomes including, but not limited to, death, suicide, or major disruption of services through internal or external emergency events.

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-065, filed 7/20/05, effective 8/20/05.]

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## 246-337-070

### Emergency disaster plan.

(1) The licensee must ensure resident health and safety by establishing and implementing an emergency plan designed for response to internal and external emergency safety situations. The emergency plan must:

- (a) Be specific to the RTF, and each building that comprises the RTF;
- (b) Be communicated to the residents and staff;
- (c) Be coordinated with local emergency plans;
- (d) Address actions the licensee will take if residents cannot return to the facility;
- (e) Be posted or readily available to all staff and residents; and
- (f) Require emergency phone numbers to be adjacent to appropriate phones.

(2) The emergency plan must identify:

- (a) Who is responsible for each aspect of the plan;
  - (b) Procedures for accounting for all residents and staff during and after the emergency;
  - (c) How the premises will be evacuated, if necessary, and the meeting location after evacuation;
  - (d) How to address care of residents with special needs during and after an emergency;
  - (e) Provisions for emergency medications, food, water, clothing, shelter, heat and power;
  - (f) How family members will be contacted; and
  - (g) Transportation arrangements if necessary.
- (3) The licensee must evaluate the effectiveness of the emergency plan, including:
- (a) Review at least annually and revise as needed;
  - (b) Conduct and document, at least annually, emergency drills for residents and staff; and
  - (c) Debrief and evaluate the plan after each emergency incident or drill.
- (4) Supplies and first-aid equipment must be:
- (a) In a designated location;
  - (b) Readily available to staff during all hours of operation including during transportation of residents;
  - (c) Sufficient in type and quantity according to staff and residents' needs; and
  - (d) Sufficient to maintain a three-day emergency supply of dry or canned food and water for all staff and residents.

[Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-070, filed 7/20/05, effective 8/20/05.]

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## 246-337-075

### Resident rights.

The licensee must establish a process to ensure resident rights are protected in compliance with chapter [71.12](#) RCW, this chapter, and with chapters [70.96A](#), [71.05](#), and/or [71.34](#) RCW, as applicable, depending on the service categories that are part of the RTF license. This process must address, at a minimum, how the RTF will:

(1) Inform each resident in an understandable manner, his or her personal representative, designee or parent, of all rights, treatment methods, and rules applicable to the proposed health care of a particular resident.

(2) Document that each resident received a written copy of his or her rights on or before admission.

(3) Address use of emergency interventions such as use of youth behavior management guidelines, restraint and/or seclusion, the use of special treatment interventions, restriction of rights and parameters of confidentiality.

(4) Allow residents, their personal representatives, and parents, to review resident files in accordance with chapter [70.02 RCW](#).

(5) Ensure that each resident is treated in a manner that respects individual identity, human dignity and fosters constructive self-esteem by ensuring each resident has the right to:

(a) Be free of abuse, including being deprived of food, clothes or other basic necessities;

(b) Be free of restraint and/or seclusion, except as provided in [WAC 246-337-110](#);

(c) Participate or abstain from social and religious activities;

(d) Participate in planning his or her own health care and treatment that considers their own medical and/or mental health advance directives;

(e) Refuse to perform services for the benefit of the RTF unless agreed to by the resident, as a part of the individual health care plan and in accordance with applicable law;

(f) Inform each resident of the cost of treatment;

(g) Inform each resident in writing of the department contact information, including telephone number and mailing address;

(h) Inform each resident that the resident may file a complaint with the department regarding the RTF's noncompliance with any part of this chapter, without interference, discrimination or reprisal. The resident may choose whether to notify the RTF of the complaint;

(i) Promote a healthy, safe, clean and comfortable environment;

(j) Protect each resident from invasion of privacy: Provided that reasonable means may be used to detect or prevent items that may be harmful or injurious to the resident or others, from being possessed or used on the premises.

(6) Protect the confidentiality of treatment and personal information when communicating with individuals not associated or listed in the resident individual's treatment plan or confidentiality disclosure form.

(7) Comply with reporting requirements of suspected incidents of child or adult abuse and neglect in accordance with chapters [26.44](#) and [74.34 RCW](#).

(8) Account for each resident's assets, including allowance, earnings from federal or state sources and expenditures.

(9) Assist each resident, upon request, in sending written communications of the fact of the resident's commitment in the RTF to friends, relatives, or other persons.

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-075, filed 7/20/05, effective 8/20/05.]

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## **246-337-080**

### **Resident care services.**

(1) **Policies and procedures:** The licensee must establish and implement policies and procedures that describe how residents are provided care and personal equipment to meet their health care needs including:

(a) Admission, transfer, discharge and referral process.

(b) Addressing how the licensee provides or makes provision for health care services.

(c) Addressing the action of RTF personnel when medical emergencies or a threat to life arises when a physician or authorized health care provider is not present including:

(i) Having current policies and procedures signed by a physician or authorized health care provider, reviewed as needed and at least biennially;

(ii) How resident medical and related data shall be transmitted in the event of a transfer;

(iii) Need for the notification of legal guardian or next of kin, the department or other regulatory agencies in the event of a serious change in the resident's condition, transfer of a resident to another facility, elopement, death, or when unusual circumstances occur; and

(iv) When to consult with internal or external resource agencies or persons e.g., poison control, fire department and police.

(d) Addressing how the RTF must provide for each resident's need for personal care items and durable medical equipment.

(e) Addressing provisions for transfer and appropriate prenatal and postnatal care services for pregnant residents.

(f) Addressing how a licensee providing twenty-four hours per day nursing service functions provides systems for supervision, assessment and delegation in accordance with applicable statute and rules including chapter [18.79 RCW](#), Nursing care.

(g) Addressing how a licensee providing acute detoxification services must ensure resident health and safety including:

(i) A licensed nurse must be on-site when a resident is receiving acute detoxification services;

(ii) Registered nurse responsible for supervising resident care nursing services shall be on-site at least four hours per week and available on-call to the licensed practical nurse; and

(iii) Policies and procedures for acute detoxification services approved by an authorized health care provider.

(h) Addressing how licensees providing subacute detoxification services must ensure resident health and safety, including:

(i) Implementing policies and procedures establishing agreements with authorized health care providers or hospitals that includes:

(A) Criteria for determining the degree of medical stability of a potential resident in a subacute detoxification facility;

(B) Monitoring the resident after being admitted;

(C) Reporting abnormal symptoms according to established criteria;

(D) Criteria requiring immediate transfer to a hospital; and

(E) Resident discharge or transfer criteria;

(ii) Monitoring of residents by a staff including observing a resident for signs and symptoms of illness or trauma; and

(iii) Observing the resident to self-administer his or her own medication as prescribed by the resident's health care provider.

(2) **Delivery of resident care services:** The licensee must ensure the provision of or for that resident care services to meet the health care needs of the resident including:

(a) Admission is limited to residents for whom a facility is qualified by staff, services, equipment, building design and occupancy to give safe care.

(b) A health care screen of each resident that is to be conducted upon admission and updated as changes occur or when additional health care needs are identified.

(c) A completed comprehensive health assessment and medical history that is to be conducted by a health care provider following admission to an RTF, unless a current comprehensive health assessment or review was performed and is available upon admission to an RTF providing mental health or acute detoxification services.

(d) A health assessment by a health care provider, any time a resident exhibits signs and symptoms of an injury, illness or abnormality for which medical diagnosis and treatment are indicated.

(e) Access to and availability of authorized health care providers to develop and implement the resident plan of care.

(f) Sufficient numbers of trained personnel who are available to provide health care according to the resident's health care plan.

(g) Provision for or access by referral to health care for residents admitted to the RTF including, but not limited to:

(i) Assisting residents in following all prescribed treatments, modified diets, activities or activity limitations.

(ii) Assisting residents to keep health care appointments.

(iii) Medication administration or observing the resident self-administer his or her own medication as prescribed by the resident's authorized health care provider.

(iv) Incorporating resident's health care needs and behavioral needs into the resident's overall health care plan;

(v) Emergency health care.

(h) Provision for twenty-four hours per day nursing service functions to include availability by phone; when the RTF provides mental health inpatient evaluation and treatment, mental health adult residential treatment, mental health child long-term inpatient treatment, mental health child inpatient evaluation and treatment, and/or chemical dependency acute detoxification.

(i) Provision is made either on the premises, through a contract laboratory or through a health care provider for service(s) required by the resident.

(j) Storing and labeling each resident's personal care items separately preventing contamination and access by other residents.

(3) **Documentation:** The licensee must ensure documentation of health care received or provided in the resident's health care record.

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-080, filed 7/20/05, effective 8/20/05.]

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## 246-337-085

### Accepting a child with a parent in treatment.

A chemical dependency facility that accepts a child with a parent in treatment must assure child care services are provided for the child and the services of a health care provider who is responsible for developing health care policies, provides consultation and monitors the child's health care. The facility shall:

(1) Operate or arrange for child care licensed by DSHS under chapter [388-295 WAC](#), Minimum licensing requirements for child day care centers, chapter [388-151 WAC](#), School-age child care center minimum licensing requirements, chapter [388-155 WAC](#), Minimum licensing requirements for family child day care homes which the children will attend during treatment hours of the parent;

(2) Allow an infant under one month of age to be cared for by the staff of the RTF to supplement care by the mother;

(3) Allow the parent to be responsible for the care of his/her own child during the hours the parent is not in treatment, with the following conditions:

(a) The parent's management of the child is subject to the policies and procedures of the RTF;

(b) A parent may designate another resident to care for a child, if the designation is in writing and includes:

(i) A specified time period;

(ii) Any special instructions; and

(iii) Is signed by the parent, designee and staff member who approves of the designation;

(4) Establish policies and procedures addressing the chronological and developmental needs of the children to be accepted;

(5) Obtain a health history for each child following admission;

(6) Develop with the parent a plan of care for each child that addresses the child's health care needs including medications.

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-085, filed 7/20/05, effective 8/20/05.]

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## **246-337-090**

### **Food and nutrition services.**

The licensee must ensure that nutritionally adequate and appetizing meals that meet resident needs are stored, prepared and served in accordance with chapter [246-215 WAC](#).

(1) The licensee shall provide:

(a) Food and dietary services managed by a person knowledgeable in food services, and, when needed, consultative services provided by a registered dietician;

(b) Food and water daily, supplying at least one hundred percent of the current nationally recommended dietary allowance for meals and snacks, adjusted for:

(i) Age, gender, development, activities and health conditions; and

(ii) Reasonable accommodations for cultural and religious preferences.

(2) The licensee shall provide at least three meals at regular intervals without more than fourteen hours between the last meal of the day and the first meal of the next day.

(3) If modified food plans are needed for residents receiving detoxification services or who have other nutritional needs, the licensee must:

(a) Provide modified diets, nutrient supplements and concentrates to residents as prescribed by an authorized health care provider;

(b) Limit modified meal content or frequency to no more than forty-eight hours without an authorized health care provider's orders; and

(c) Notify staff of any resident with food allergies or other medical conditions, symptoms of allergic reactions to watch for, and emergency measures to take if they occur.

(4) The licensee must allow sufficient time for residents to consume meals.

(5) The licensee must designate at least one individual having a current food and beverage service worker's permit to monitor and oversee food handling at the RTF; and require that all residents who do not have food and beverage worker permits, but have been medically screened and cleared to work in the kitchen, be oriented and supervised by staff with current food and beverage worker permits at all times when working in the kitchen.

(6) Menus must be dated, available and conspicuously posted one week or more in advance. The licensee must:

(a) Keep records of all food served, and substitutions;

(b) Retain menu records of food served for at least three months.

(7) All food must be prepared on-site unless the licensee has a signed contract or agreement with a food establishment.

(8) Each licensee must keep on file:

(a) A description of how food will be handled, prepared and stored; and

(b) A written plan of action should food be in an unacceptable condition.

(9) Staff must follow manufacturer's instructions in operating kitchen equipment.

(10) A licensed RTF with sixteen or fewer residents may use domestic or home-type kitchen appliances.

(11) An RTF with more than sixteen residents must use commercial appliances.

[Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-090, filed 7/20/05, effective 8/20/05.]

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## **246-337-095**

### **Resident health care records.**

The licensee must ensure the RTF meets the following requirements:

(1) Develop and implement procedures for maintaining current health care records as required by chapter [70.02](#) RCW and RCW [71.05.390](#) or by applicable laws.

(2) Make health care records accessible for review by appropriate direct care staff, the resident and the department in accordance with applicable law.

(3) Ensure health care records are legibly written or retrievable by electronic means.

(4) Document medical information on the licensee's standardized forms.

(5) Record health care information by the health care provider or direct care staff with resident contact to include typed or legible handwriting in blue or black ink, verified by signature or unique identifier, title, date and time.

(6) Maintain the confidentiality and security of health care records in accordance with applicable law.

(7) Maintain health care records in chronological order in their entirety or chronological by sections.

(8) Keep health care records current with all documents filed according to the licensee's written timeline policy.

(9) Inclusion of the following, at a minimum, in each record:

- (a) Resident's name, age, sex, marital status, date of admission, voluntary or other commitment, name of physician, diagnosis, date of discharge, previous address and phone number, if any;
- (b) Resident's receipt of notification of resident's rights and responsibilities, if applicable;
- (c) Resident's consent for health care provided by the RTF;
- (d) A copy of any authorizations, advance directives, powers of attorney, letters of guardianship, or other similar documentation provided by the resident;
- (e) Original reports, where available or, if not available, durable, legible copies of original reports on all tests, procedures, and examinations performed on the resident;
- (f) Health assessments;
- (g) Health care plan, including the names, relationship to the resident and addresses of those individuals the resident states with whom the RTF may freely communicate regarding the health care of the resident without violating the resident's right to confidentiality or privacy of health care information;
- (h) Dated and signed (or initialed) notes describing health care provided for each contact with the resident pertinent to the resident's health care plan including, but not limited to:
  - (i) Physical and psychosocial history;
  - (ii) Medication administration, medical/nursing services, and treatment provided, resident's response to treatment and any adverse reactions and resolution of medical issues;
  - (iii) Use of restraint or seclusion consistent with WAC [246-337-110](#);
  - (iv) Instructions or teaching provided to resident in connection with his or her health care;
- and
- (v) Discharge summary, including:
  - (A) Concise review of resident's physical and mental history, as applicable;
  - (B) Condition upon discharge;
  - (C) Recommendations for services, follow-up or continuing care; and
  - (D) Date and time of discharge.
- (10) Retaining the health care records at least six years beyond resident's discharge or death date, whichever occurs sooner, and at least six years beyond the age of eighteen.
- (11) Destroying the health care records in accordance with applicable law and in a manner that preserves confidentiality.

[Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-095, filed 7/20/05, effective 8/20/05.]

## **246-337-100**

### **Health care plan.**

The licensee must ensure that an individual health care plan is developed and implemented for each resident based on health assessment(s) on admission and updated as additional needs are identified during treatment that includes the following:

- (1) The health care plan must be prepared by one or more staff involved in the resident's care with participation by the resident and by either his or her legal representative or parent when minors are involved;
- (2) An initial or provisional health care plan addressing the health care needs of the resident on admission to a RTF;

(3) A discharge (aftercare) health care plan if the resident will require less than a fourteen-day treatment, if appropriate; and

(4) A comprehensive health care plan developed by participants providing health care to the resident addressing and including, but not limited to:

(a) Health care needs;

(b) Implementation, modification and review of health care needs documented in the health care plan and health care record;

(c) Needs of a mother and child during pregnancy and after delivery, if applicable;

(d) Work assignments given to residents as part of their health care plan, if applicable; and

(e) Discharge health care needs.

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-100, filed 7/20/05, effective 8/20/05.]

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## **246-337-105**

### **Medication management.**

The licensee is responsible for the control and use of all medications within the RTF, including:

(1) Ensuring policies and procedures and medication protocols are developed, approved, reviewed and implemented by licensed health care providers, administration and pharmacist (as needed). The policies and procedures must be consistent with the rules of the department and the pharmacy quality assurance commission and address all aspects of medication administration, including the following:

(a) Timely procurement;

(b) Medication administration;

(c) Prescribing;

(d) Proper storage conditions addressing security, safety, sanitation, temperature, light, moisture and ventilation;

(e) Use of nonprescription drugs:

(i) List of drugs available;

(ii) Parameters of use;

(f) Receipt;

(g) Proper labeling;

(h) Disposal;

(i) Medication brought into RTF by a resident;

(j) Accountability;

(k) Starter supply of psychotropic, detoxification and emergency drugs not for a specific resident;

(l) Emergency allergy response kit of prepackaged medications and supplies for the treatment of anaphylactic shock; and

(m) Medications for short term authorized absence (pass) from the RTF, where applicable.

(2) Establishing and maintaining of an organized system that ensures accuracy in receiving, transcribing and implementing policies and procedures for medication administration, including ensuring residents receive the correct medication, dosage, route, time, and reason.

(3) Documentation of all medications administered or self-administered, including the following data:

- (a) Name and dosage of medication;
- (b) Start/stop date;
- (c) Time;
- (d) Route;
- (e) Staff or resident initials indicating medication was administered, self-administered or issued;

- (f) Notation if medication was refused, held, wasted or not administered or self-administered;
- (g) Allergies;
- (h) Resident response to medication when given as necessary or as needed (PRN);
- (i) Medical staff notification of errors, adverse effects, side effects; and
- (j) Within established parameters for nonprescription drugs.

(4) Ensuring written orders are signed by an authorized health care provider with prescriptive authority for all legend drugs and vaccines. Verbal orders for legend drugs and vaccines must be signed by the prescriber as soon as possible, but no later than seven days after the verbal order.

(5) Ensuring use of nonprescription drugs that are self-administered are:

- (a) Within parameters established for nonprescription drugs; and
- (b) According to established list.

(6) Having a current established drug reference resource available for use by RTF staff.

[Statutory Authority: 2013 c 19 and RCW [71.12.670](#). WSR 15-09-108, § 246-337-105, filed 4/20/15, effective 5/21/15. Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-105, filed 7/20/05, effective 8/20/05.]

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## **246-337-110**

### **Use of seclusion and restraint.**

Any RTF that utilizes restraint or seclusion must ensure that restraint or seclusion is performed in compliance with chapters [70.96A](#), [71.05](#), [71.34](#) RCW, this chapter, and other applicable federal and state laws and rules. Restraint and seclusion must be performed in a manner that is safe, proportionate and appropriate to the severity of the behavior, the resident's chronological and developmental age, size, gender, physical, medical and psychiatric condition, and personal history.

(1) The licensee may use seclusion or restraint only in emergency situations needed to ensure the physical safety of the individual resident or other residents or staff of the facility, and when less restrictive measures have been found to be ineffective to protect the resident or others from harm.

(2) Seclusion and restraint procedures must be implemented in the least restrictive manner possible in accordance with a written modification to the resident's health care plan and discontinued when the behaviors that necessitated the restraint or seclusion are no longer in evidence.

(3) "Whenever needed" or "as needed" (PRN) orders for use of seclusion or restraint are prohibited.

(4) A physician or other authorized health care provider must authorize use of the restraint or seclusion within one hour of initiating the restraint or seclusion.

(5) Each order of restraint or seclusion is limited in length of time to:

(a) **Adults:** Four hours;

(b) **Children and adolescents ages nine to seventeen:** Two hours; and

(c) **Children under nine years of age:** One hour.

(6) A physician or an authorized health care provider, authorized by the licensee, may only renew the original order in accordance with these limits for up to a total of twenty-four hours.

(7) A physician or an authorized health care provider must examine the resident, before the restraint or seclusion exceeds more than twenty-four hours. This procedure must be repeated for each subsequent twenty-four hour period of restraint or seclusion.

(8) Within one hour of initiation of restraint or seclusion, an authorized health care provider must conduct a face-to-face assessment of the physical and psychological well-being of the resident.

(9) The resident's clinical record must include the following documentation should restraint or seclusion be used:

(a) Order for the restraint or seclusion including name of the physician or authorized health care provider authorizing restraint or seclusion;

(b) Date/time order obtained;

(c) The specific intervention ordered including length of time and behavior that would terminate the intervention;

(d) Time restraint or seclusion began and ended;

(e) Time and results of one hour assessment;

(f) Resident behavior prior to initiation of restraint or seclusion;

(g) Any injuries sustained during the restraint or seclusion; and

(h) Post intervention debriefing with resident to discuss precipitating factors leading to the need for intervention.

(10) Safety health checks must be conducted and documented at a minimum of every fifteen minutes, to include:

(a) Behavior;

(b) Food/nutrition offered;

(c) Toileting; and

(d) Physical condition.

(11) Staff shall continuously observe and monitor residents in seclusion or restraint by an assigned staff member (face-to-face) or by staff using both video and audio equipment.

(12) Staff involved in the restraint or seclusion will debrief and address effectiveness and safety issues.

(13) The licensee must ensure that restraint and seclusion is carried out in a safe environment. This room must:

(a) Be designed to minimize potential for stimulation, escape, hiding, injury, or death;

(b) Have a maximum capacity of one resident;

(c) Have a door that opens outward;

(d) Have a staff-controlled, lockable, adjoining toilet room;

(e) Have a minimum of three feet of clear space on three sides of the bed; and

(f) Have negative pressure with an independent exhaust system with the exhaust fan at the discharge end of the system.

(14) Restraint equipment must be clean and in good repair.

[Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-110, filed 7/20/05, effective 8/20/05.]

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## **246-337-115**

### **Cleaning, maintenance and refuse disposal.**

The licensee must ensure that the RTF, equipment and furnishings are safe, sanitary, and maintained in good repair. The RTF shall provide for:

- (1) Sanitary disposal and collection of garbage and refuse, by including:
  - (a) Use of noncombustible waste containers in resident rooms and common use areas;
  - (b) Containers constructed of nonabsorbent material, which are water-tight, covered, and adequate to store garbage and refuse generated by the RTF;
  - (c) A storage area location convenient for resident and staff use;
  - (d) An area and containers that are cleaned and maintained to prevent:
    - (i) Entrance of insects, rodents, birds, or other pests;
    - (ii) Odors; and
    - (iii) Other nuisances.
- (2) Management of biohazardous and nonmedical waste in accordance with applicable federal, state and local rules, including the use of appropriate containers and collection and disposal services if infectious wastes are generated.
- (3) A locked housekeeping room on each level of the RTF that is equipped with:
  - (a) A utility sink or equivalent means of obtaining and disposing of mop water separate from food preparation and service areas; and
  - (b) Storage for cleaning supplies and wet mops which is mechanically ventilated to the outside according to standards adopted by the state building code council, chapter [51-13 WAC](#).
- (4) Adequate storage space for:
  - (a) Clean and soiled equipment and linens;
  - (b) Lockable, shelved storage impervious to moisture, for cleaning supplies, disinfectants and poisonous compounds; and
  - (c) Separate, locked storage for flammable materials or other fire and safety hazards.
- (5) A safe and cleanable area is designated for pouring stock chemicals and cleaning supplies into separate, properly labeled containers if stock chemicals are used.
- (6) An effective pest control program so that the RTF is free of pests such as rodents and insects.

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-115, filed 7/20/05, effective 8/20/05.]

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## **246-337-120**

### **Facility, environment, and space requirements.**

The licensee must ensure that each RTF, exterior grounds and component parts such as, but not limited to, fences, equipment, outbuildings and landscape items are safe, free of hazards, clean, and maintained in good repair, including:

- (1) Each RTF shall be located on a site which is:
  - (a) Free of standing water; and

(b) Accessible by emergency vehicles on at least one street, road or driveway usable under all weather conditions and free of major potholes or obstructions.

(2) Develop and implement systems for routine preventative maintenance, including:

(a) Heating ventilation and air conditioning, plumbing and electrical equipment;

(b) Certification and calibration of biomedical and therapeutic equipment; and

(c) Documentation of all maintenance.

(3) Rooms shall be provided for dining, multipurpose, counseling, therapy and social activities, including:

(a) At least forty square feet per resident for the total combined area which is utilized for dining, social, educational, recreational activities and group therapies;

(b) A ceiling height of at least seven and one-half feet over the required floor area throughout the RTF;

(c) At least one private area for visitation of residents and guests;

(d) Therapy rooms for individual and group counseling that maintain visual and auditory confidentiality in the ratio of at least one room per twelve residents; and

(e) A medical examination room, when there is routine physical examination of residents within the RTF. The examination room must be equipped with:

(i) An exam table with at least three feet of space on two sides and end of the table for staff access;

(ii) An examination light;

(iii) Storage units for medical supplies and equipment;

(iv) A handwashing sink;

(f) Dining room(s) or area(s) are large enough to accommodate all residents at a single sitting or in no more than three shifts. If the space is used for more than one purpose, that space must be designed to accommodate each of the activities without unreasonable interference with one another.

(4) Equip stairways with more than one riser and ramps with slopes greater than one in twenty with handrails on both sides. Ends of handrails are designed in a manner that eliminates a hooking hazard.

(5) School facilities, excluding child care, serving residents on the same grounds as the RTF must meet all requirements for health and safety and comply with chapter [246-366 WAC](#), Primary and secondary schools.

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-120, filed 7/20/05, effective 8/20/05.]

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## **246-337-125**

### **Toilet rooms and bathrooms.**

The licensee must ensure that private or common-use toilet rooms and bathrooms are available to residents including:

(1) Provision for a minimum of one toilet (water closet) and handwashing sink for every eight residents, or fraction thereof. Urinals may count for up to one-third of the required toilets in a male-only toilet room.

(2) A toilet and handwashing sink in, or immediately accessible to each bathroom.

(3) A minimum of one bathing fixture for every eight residents.

- (4) Rooms containing more than one water closet or more than one bathing area must:
- (a) Be designated for use by one gender, unless it is a toilet specifically designated for children under the age of six years;
  - (b) Provide for privacy during toileting, bathing, and dressing through the use of doors or dividers;
  - (5) Each toilet room and bathroom must be equipped with:
    - (a) Water resistant, smooth, easily cleanable, slip-resistant bathtubs, showers, and floor surfaces;
    - (b) Washable walls to the height of splash or spray;
    - (c) Washable cabinets and counter tops;
    - (d) Plumbing fixtures designed for easy cleaning;
    - (e) Clean, nonabsorbent toilet seats free of cracks;
    - (f) Grab bars installed at each water closet and bathing fixture;
    - (g) Shatter resistant mirrors when appropriate;
    - (h) Adequate lighting for general illumination;
    - (i) One or more handwashing sink with soap and single use or disposable towels with a mounted paper towel dispenser, unless a blower or equivalent hand-drying device is provided;
    - (j) Toilet tissue with a reachable mounted tissue dispenser by each toilet.
  - (6) Reasonable access to bath and toilet rooms must be provided by:
    - (a) Locating a toilet room and bathing facilities on the same floor or level as the sleeping room of the resident; and
    - (b) Providing access without passage through any food preparation area or from one bedroom through another bedroom.
  - (7) If a toilet room or bathing facility adjoins a bedroom, the bathing facility is restricted to use by those residents residing in the adjoining bedrooms.

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-125, filed 7/20/05, effective 8/20/05.]

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## **246-337-130**

### **Water supply, sewage and waste disposal.**

The licensee must ensure that water supply and waste disposal in each facility meet the provisions of chapter [246-290](#) or [246-291](#) WAC, whichever applies, including:

- (1) Maintaining tempered water between one hundred and one hundred twenty degrees Fahrenheit in resident areas.
- (2) Maintaining the plumbing systems free of cross connections.
- (3) Assuring all sewage and waste water drain into a public sewer system in compliance with applicable laws and rules, or meet the requirements of chapters [246-272](#) and [173-240](#) WAC, and local laws and rules.

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-130, filed 7/20/05, effective 8/20/05.]

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## **246-337-135**

### **Heating, ventilation and air conditioning.**

(1) The licensee must ensure that all rooms used by residents are able to maintain interior temperatures between sixty-five degrees Fahrenheit and seventy-eight degrees Fahrenheit year-round.

(2) Direct evaporative coolers may not be used for cooling. In existing facilities, no new or replacement evaporative coolers may be used after adoption of these rules. Facilities currently using direct evaporative coolers (swamp coolers or similar equipment) shall follow manufacturer's instructions and develop and implement a written preventive maintenance program.

(3) All areas of the building must be ventilated to prevent excessive odors and moisture. The ventilation system must be in compliance with chapter [51-13 WAC](#). Facilities licensed prior to July 1991 may continue to use windows for ventilating toilet rooms, bathrooms, and janitor rooms if the windows are equipped with sixteen gauge mesh screens.

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-135, filed 7/20/05, effective 8/20/05.]

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## **246-337-140**

### **Lighting, emergency lighting, and electrical outlets.**

The licensee must ensure that lighting, emergency lighting, and electrical outlets are adequate and safe including:

(1) Light fixtures are protected against light bulb breakage by using appropriately fitted shields, bulbs, or tubes manufactured with shatter resistant materials in all areas occupied by residents, including common areas, and in medication and food preparation areas.

(2) Each room or area occupied by children under age five or residents with unsafe behaviors must have tamper resistant electrical outlets.

(3) Each electrical outlet within six feet of a sink or wet area must be of the ground fault interrupter type or be controlled by a ground fault circuit interrupter.

(4) Provide emergency lighting on each floor.

(5) Provide operable exterior lighting with solar or battery backup at the exit and entry doors.

[Statutory Authority: Chapter [71.12 RCW](#). WSR 05-15-157, § 246-337-140, filed 7/20/05, effective 8/20/05.]

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## **246-337-145**

### **Laundry.**

The licensee must ensure that laundry facilities, equipment, handling and processes ensure linen and laundered items provided to residents are clean, in good repair and adequate to meet the needs of residents including:

(1) The licensee must provide laundry and linen services on the premises, or by commercial laundry.

(2) The licensee must handle, clean, and store linen according to acceptable methods of infection control. The licensee must:

- (a) Provide separate areas for handling clean laundry and soiled laundry;
- (b) Ensure clean laundry is not processed in, and does not pass through, areas where soiled laundry is handled;
- (c) Ensure areas where clean laundry is stored are not exposed to contamination from other sources;
- (d) Ensure all staff wears appropriate personal protective equipment and uses appropriate infection control practices when handling laundry;
- (e) Ensure that damp textiles or fabrics are not left in machines for longer than twelve hours;
- (f) Ensure that gross soil is removed before washing and proper washing and drying procedures are used; and
- (g) Ensure that contaminated textiles and fabrics are handled with minimum agitation to avoid contamination of air, surfaces and persons.

(3) The licensee must use and maintain laundry equipment according to manufacturers' instructions.

(4) The licensee must use washing machines that have a continuous supply of hot water with a temperature of one hundred forty degrees Fahrenheit, or that automatically dispense a chemical sanitizer and detergent or wash additives as specified by the manufacturer, whenever the licensee washes:

- (a) Licensee's laundry;
- (b) Licensee's laundry is combined with resident's laundry into a single load; or
- (c) More than one resident's laundry is combined into a single load.

(5) The licensee or a resident washing an individual resident's personal laundry, separate from other laundry, may wash the laundry at temperatures below one hundred forty degrees Fahrenheit provided chemicals suitable for low temperature washing at proper use concentration and according to the cleaning instructions of the textile, fabric or clothing are used.

(6) The licensee must ventilate laundry rooms and areas to the exterior including areas or rooms where soiled laundry is held for processing by offsite commercial laundry services.

(7) The licensee must locate laundry equipment in rooms other than those used for open food storage, food preparation or food service.

(8) If the licensee provides a laundry area where residents may do their personal laundry, the laundry area must be arranged to reduce the chances of soiled laundry contaminating clean laundry and equipped with:

- (a) A utility sink;
- (b) A table or counter for folding clean laundry;
- (c) At least one washing machine and one clothes dryer; and
- (d) Mechanical ventilation to the exterior.

[Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-145, filed 7/20/05, effective 8/20/05.]

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## **246-337-150**

### **Resident rooms, furnishings and storage.**

The RTF shall ensure that residents have an accessible, clean, well-maintained room with sufficient space, light, and comfortable furnishings for sleeping and personal activities including, but not limited to:

(1) Sleeping rooms designed to provide at least a three-foot clear access aisle from the entry door, along at least one side of each bed, and in front of all storage equipment.

(2) If a bunk bed is used, a minimum access aisle of five feet shall be provided along at least one side of the bunk bed.

(3) Room identification and resident capacity per sleeping room consistent with the approved room list and evacuation floor plan.

(4) Direct access to a hallway, living room, lounge, the outside, or other common use area without going through a laundry or utility area, a bath or toilet room, or another resident's bedroom.

(5) Each sleeping room having one or more outside windows that:

(a) Is easily opened if necessary for fire exit or ventilation;

(b) Is marked with a solid color or barriers to prevent residents from accidentally walking into them if clear glass windows or doors extend to the floor;

(c) Has adjustable curtains, shades, blinds, or equivalent installed at the windows for visual privacy; and

(d) Is shatterproof, screened, or of the security type as determined by the resident needs.

(6) Sleeping rooms equipped with:

(a) One or more noncombustible waste containers;

(b) An individual towel and washcloth rack or an equivalent method to provide clean towels and washcloths;

(c) Storage facilities for storing a reasonable quantity of clothing and, when requested by the resident, storage in a lockable drawer, cupboard, locker, or other secure space somewhere in the building;

(d) Furniture appropriate for the age and physical condition of each resident, must be provided, including:

(i) A chair, which may be used in either the bedroom or a group room interchangeably;

(ii) A bed of appropriate size equipped with:

(A) A mattress that is clean, in good repair, and fits the frame;

(B) One or more pillows that are clean, and in good repair for each resident over two and one-half years;

(C) Bedding that includes a tight-fitting sheet or cover for the sleeping surface, and a clean blanket or suitable cover; and

(D) Bedding that is in good repair, changed weekly or more often as necessary to maintain cleanliness;

(iii) A bed thirty-six or more inches wide for adults and appropriate size for children, spaced thirty-six inches apart;

(iv) A single level nonstacking crib, infant bed, bassinet or playpen for children twenty-four months and younger meeting chapter [70.111 RCW](#), and including:

(A) Sleep equipment having secure latching devices; and

(B) A mattress that is:

(I) Snug-fitting to prevent the infant from becoming entrapped between the mattress and crib side rails;

(II) Waterproof and easily sanitized; and

- (III) Free of crib bumpers, stuffed toys or pillows;
  - (v) A youth bed or regular bed for children twenty-five months and older;
  - (vi) If bunk beds are used, children six years of age or less are prohibited from utilizing the upper bunk.
- [Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-150, filed 7/20/05, effective 8/20/05.]

## 246-337-155

### Pet management and safety.

The licensee must ensure the health and safety of residents and all service animals, therapy animals, and pets when allowed on the premises.

[Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-155, filed 7/20/05, effective 8/20/05.]

## 246-337-990

### Licensing fees.

A licensee must submit the following fees to the department:

FEE TYPE	AMOUNT
Administrative processing/ initial application fee	\$204.00
License bed fee (per bed)	\$190.00
Annual renewal fee (per bed)	\$190.00
Late fee (per bed)	\$33.00 (up to \$660.00)
Follow-up compliance survey fee or a complete on-site survey fee resulting from a substantiated complaint	\$1,320.00

- (1) The department shall refund fees paid by the applicant for initial licensure if:
  - (a) The department has received an application but has not conducted an on-site survey or provided technical assistance. The department shall refund two-thirds of the fees paid, less a fifty dollar processing fee;
  - (b) The department has received an application and has conducted an on-site survey or provided technical assistance. The department shall refund one-third of the fees paid, less a fifty dollar processing fee.
- (2) The department will not refund fees paid by the applicant if:
  - (a) The department has conducted more than one on-site visit for any purpose;

(b) One year has elapsed since the department received an initial licensure application, and the department has not issued a license because the applicant failed to complete requirements for licensure; or

(c) The amount to be refunded as calculated by subsection (1)(a) or (b) of this section is ten dollars or less.

[Statutory Authority: RCW [43.70.250](#), [70.38.105](#), [18.46.030](#), [70.127.090](#), [43.70.040](#). WSR 08-12-036, § 246-337-990, filed 5/30/08, effective 7/1/08. Statutory Authority: RCW [43.70.250](#). WSR 06-21-108, § 246-337-990, filed 10/17/06, effective 11/17/06; WSR 05-23-099, § 246-337-990, filed 11/17/05, effective 12/18/05. Statutory Authority: Chapter [71.12](#) RCW. WSR 05-15-157, § 246-337-990, filed 7/20/05, effective 8/20/05.]