

Chapter 388-78A WAC Boarding Home Licensing Regulations

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388-78A-2010 Purpose.

This chapter is written to implement chapter [18.20](#) RCW, to promote the safety and well-being of boarding home residents, to specify standards for boarding home operators, and to further establish requirements for the operation of boarding homes.

388-78A-2020 Definitions.

“Abandonment” means action or inaction by a person with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

“Abuse” means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a resident. In instances of abuse of a resident who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a resident, which have the following meanings:

- (1) **“Mental abuse”** means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a resident from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing;
- (2) **“Physical abuse”** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints;
- (3) **“Sexual abuse”** means any form of nonconsensual sexual contact, including, but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person and a resident, whether or not it is consensual;
- (4) **“Exploitation”** means an act of forcing, compelling, or exerting undue influence over a resident causing the resident to act in a way that is inconsistent with relevant past behavior, or causing the resident to perform services for the benefit of another.

“Activities of daily living” means the following tasks related to basic personal care: Bathing; toileting; dressing; personal hygiene; mobility; transferring; and eating.

“Adult day services” means care and services provided to a nonresident individual by the boarding home on the boarding home premises, for a period of time not to exceed ten continuous hours, and does not involve an overnight stay.

“Ambulatory” means capable of walking or traversing a normal path to safety without the physical assistance of another individual:

- i. **“Nonambulatory”** means unable to walk or traverse a normal path to safety without the physical assistance of another individual;
- (2) **“Semiambulatory”** means physically and mentally capable of traversing a normal path to safety with the use of mobility aids, but unable to ascend or descend stairs without the physical assistance of another individual.

“Applicant” means the person, as defined in this section, that has submitted, or is in the process of submitting, an application for a boarding home license.

“Basic services” means housekeeping services, meals, nutritious snacks, laundry, and activities.

“Bathing fixture” means a bathtub, shower or sit-down shower.

“**Bathroom**” means a room containing at least one bathing fixture.

“**Boarding home**” means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with this chapter to seven or more residents after July 1, 2000. However, a boarding home that is licensed for three to six residents prior to or on July 1, 2000, may maintain its boarding home license as long as it is continually licensed as a boarding home. “Boarding home” does not include facilities certified as group training homes pursuant to RCW [71A.22.040](#), nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the Department of Housing and Urban Development. “Boarding home” may also include persons associated with the boarding home to carry out its duties under this chapter.

“**Building code**” means the building codes and standards adopted by the Washington state building code council.

“**Caregiver**” means anyone providing hands-on personal care to another person including, but not limited to: Cuing, reminding or supervision of residents, on behalf of a boarding home, except volunteers who are directly supervised. Direct supervision means oversight by a person who has demonstrated competency in the basic training (and specialty training if required), or who has been exempted from the basic training requirements, is on the premises, and is quickly and easily available to the caregiver.

“**Construction review services**” means the office of construction review services within the Washington state department of health.

“**Continuing care contract**” means, as stated in RCW [70.38.025](#), a contract providing a person, for the duration of that person’s life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, which is conditioned upon the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

“**Continuing care retirement community**” means, as stated in RCW [70.38.025](#), an entity which provides shelter and services under continuing care contracts with its members and which sponsors or includes a health care facility or a health service.

“**Contractor**” means an agency or person who contracts with a licensee to provide resident care, services or equipment.

“**Crimes relating to financial exploitation**” means the same as “crimes relating to financial exploitation” as defined in RCW [43.43.830](#) or [43.43.842](#).

“**Department**” means the Washington state department of social and health services.

“**Dietitian**” means an individual certified under chapter [18.138](#) RCW.

“**Document**” means to record, with signature, title, date and time:

- (1) Information about medication administration, medication assistance or disposal, a nursing care procedure, accident, occurrence or change in resident condition that may affect the care or needs of a resident; and
- (2) Processes, events or activities that are required by law, rule or policy.

“Domiciliary care” means:

- (1) Assistance with activities of daily living provided by the boarding home either directly or indirectly; or
- (2) Health support services, if provided directly or indirectly by the boarding home; or
- (3) Intermittent nursing services, if provided directly or indirectly by the boarding home.

“Enforcement remedy” means one or more of the department’s responses to a boarding home’s noncompliance with chapter [18.20](#) RCW and this chapter, as authorized by RCW [18.20.190](#).

“Financial exploitation” means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person for any person’s profit or advantage other than for the vulnerable adult’s profit or advantage.

“Food service worker” means according to chapter [246-217](#) WAC an individual who works (or intends to work) with or without pay in a food service establishment and handles unwrapped or unpackaged food or who may contribute to the transmission of infectious diseases through the nature of his/her contact with food products and/or equipment and facilities. This does not include persons who simply assist residents with meals.

“General responsibility for the safety and well-being of the resident” means the provision of the following:

- (1) Prescribed general low sodium diets;
- (2) Prescribed general diabetic diets;
- (3) Prescribed mechanical soft foods;
- (4) Emergency assistance;
- (5) Monitoring of the resident;
- (6) Arranging health care appointments with outside health care providers and reminding residents of such appointments as necessary;
- (7) Coordinating health care services with outside health care providers consistent with WAC [388-78A-2350](#);
- (8) Assisting the resident to obtain and maintain glasses, hearing aids, dentures, canes, crutches, walkers, wheelchairs, and assistive communication devices;
- (9) Observation of the resident for changes in overall functioning;
- (10) Blood pressure checks as scheduled;
- (11) Responding appropriately when there are observable or reported changes in the resident’s physical, mental, or emotional functioning; or
- (12) Medication assistance as permitted under RCW [69.41.085](#) and as described in RCW [69.41.010](#) and chapter [246-888](#) WAC.

“Harm” means a physical or mental or emotional injury or damage to a resident including those resulting from neglect or violations of a resident’s rights.

“Health support services” means any of the following optional services:

- (1) Blood glucose testing;
- (2) Puree diets;
- (3) Calorie controlled diabetic diets;
- (4) Dementia care;
- (5) Mental health care; or
- (6) Developmental disabilities care.

“Independent living unit” means:

- (1) Independent senior housing;

- (2) Independent living unit in a continuing care retirement community or other similar living environments;
- (3) Boarding home unit where domiciliary services are not provided; or
- (4) Boarding home unit where one or more items listed under “general responsibilities” are not provided.

“**Independent senior housing**” means an independent living unit occupied by an individual or individuals sixty or more years of age.

“**Infectious**” means capable of causing infection or disease by entrance of organisms into the body, which grow and multiply there, including, but not limited to, bacteria, viruses, protozoans, and fungi.

“**Licensee**” means the person, as defined in this chapter, to whom the department issues the boarding home license.

“**Licensed resident bed capacity**” means the resident occupancy level requested by the licensee and approved by the department. All residents receiving domiciliary care or the items or services listed under general responsibility for the safety and well-being of the resident as defined in this section count towards the licensed resident bed capacity. Adult day services clients do not count towards the licensed resident bed capacity.

“**Majority owner**” means any person that owns:

- (1) More than fifty percent interest; or
- (2) If no one person owns more than fifty percent interest, the largest interest portion; or
- (3) If more than one person owns equal largest interest portions, then all persons owning those equal largest interest portions.

“**Manager**” means the person defined in this chapter, providing management services on behalf of the licensee.

“**Management agreement**” means a written, executed agreement between the licensee and the manager regarding the provision of certain services on behalf of the licensee.

“**Mandated reporter**”:

- (1) Is an employee of the department, law enforcement officer, social worker, professional school personnel, individual provider, an employee of a facility, an operator of a facility, an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency, county coroner or medical examiner, Christian Science practitioner, or health care provider subject to chapter [18.130](#) RCW; and
- (2) For the purpose of the definition of mandated reporter, “Facility” means a residence licensed or required to be licensed under chapter [18.20](#) RCW (boarding homes), chapter [18.51](#) RCW (nursing homes), chapter [70.128](#) RCW (adult family homes), chapter [72.36](#) RCW (soldiers’ homes), chapter [71A.20](#) RCW (residential habilitation centers), or any other facility licensed by the department.

“**Maximum facility capacity**” means the maximum number of individuals that the boarding home may serve at any one time, as determined by the department.

- (1) The maximum facility capacity includes all residents and respite care residents and adult day services clients.
- (2) The maximum facility capacity is equal to the lesser of:
 - (a) The sum of the number of approved bed spaces for all resident rooms (total number of approved bed spaces), except as specified in subsection (3); or

- (b) Twice the seating capacity of the dining area(s) consistent with WAC [388-78A-2300](#) (1)(h); or
 - (c) The number of residents permitted by calculating the ratios of toilets, sinks, and bathing fixtures to residents consistent with WAC [388-78A-3030](#); or
 - (d) For boarding homes licensed on or before December 31, 1988, the total day room area in square feet divided by ten square feet, consistent with WAC [388-78A-3050](#); or
 - (e) For boarding homes licensed after December 31, 1988, the total day room area in square feet divided by twenty square feet, consistent with WAC [388-78A-3050](#).
- (3) For the purposes of providing adult day services consistent with WAC [388-78A-2360](#), one additional adult day services client may be served, beyond the total number of approved bed spaces, for each additional sixty square feet of day room area greater than the area produced by multiplying the total number of approved bed spaces by twenty square feet, provided that:
- (a) There is a [at] least one toilet and one hand washing sink accessible to adult day services clients for every eight adult day services clients or fraction thereof;
 - (b) The total number of residents and adult day services clients does not exceed twice the seating capacity of the dining area(s) consistent with WAC [388-78A-2300](#) (1)(h); and
 - (c) The adult day services program area(s) and building do not exceed the occupancy load as determined by the local building official or state fire marshal.

“Medication administration” means the direct application of a prescribed medication whether by injection, inhalation, ingestion, or other means, to the body of the resident by an individual legally authorized to do so.

“Medication assistance” means assistance with self-administration of medication rendered by a nonpractitioner to a resident of a boarding home in accordance with chapter [246-888](#) WAC.

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

“Medication service” means any service provided either directly or indirectly by a boarding home related to medication administration, medication administration provided through nurse delegation, medication assistance, or resident self-administration of medication.

“Neglect” means:

- (1) A pattern of conduct or inaction resulting in the failure to provide the goods and services that maintain physical or mental health of a resident, or that fails to avoid or prevent physical or mental harm or pain to a resident; or
- (2) An act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the resident’s health, welfare, or safety, including but not limited to conduct prohibited under RCW [9A.42.100](#).

“Nonresident individual” means an individual who resides in independent senior housing, independent living units in continuing care retirement communities, or in other similar living environments or in a boarding home and may receive one or more of the services listed in WAC [388-78A-2030](#) (2)(a) through (g). A nonresident individual may not receive domiciliary care as defined in this section, directly or indirectly by the boarding home, and may not receive the items or services listed under general responsibility for the safety and well-being of the resident as defined in this section, except during the time the person is receiving adult day services as defined in this section.

“Nonpractitioner” means any individual who is not a practitioner as defined in WAC [388-78A-2020](#) and chapter [69.41](#) RCW.

“Nurse” means an individual currently licensed under chapter [18.79](#) RCW as either a:

- (1) “Licensed practical nurse” (LPN); or
- (2) “Registered nurse” (RN).

“Over-the-counter (OTC) medication” means any medication that may be legally purchased without a prescriptive order, including, but not limited to, aspirin, antacids, vitamins, minerals, or herbal preparations.

“Person” means any individual, firm, partnership, corporation, company, association, joint stock association or any other legal or commercial entity.

“Physician” means an individual licensed under chapter [18.57](#) or [18.71](#) RCW.

“Practitioner” includes a licensed physician, osteopathic physician, podiatric physician, pharmacist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, dentist, and physician assistant. Refer to chapter [69.41](#) RCW for a complete listing of practitioners.

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

“Prescriber” means a health care practitioner authorized by Washington state law to prescribe drugs.

“Problem” means a violation of any WAC or RCW applicable to the operation of a boarding home:

“Recurring problem” means, for all purposes other than those described in RCW [18.20.400](#), that the department has cited the boarding home for a violation of WAC or RCW and the circumstances of (a) or (b) of this subsection are present:

The department previously imposed an enforcement remedy for a violation of the same section of WAC or RCW for substantially the same problem following any type of inspection within the preceding thirty-six months; or

The department previously cited a violation under the same section of WAC or RCW for substantially the same problem following any type of inspection on two occasions within the preceding thirty-six months.

If the previous violation in (a) or (b) of this subsection was pursuant to WAC or RCW that has changed at the time of the new violation, citation to the equivalent current WAC or RCW section is sufficient.

When there is a change in licensees between the first and the second or third citations, the new licensee must accept, and the department will consider, the prior licensee’s compliance and enforcement record as part of the new licensee’s compliance record at that boarding home if any person affiliated with the new licensee was affiliated with the prior licensee at the same boarding home. A person is considered affiliated with the licensee if the person is an applicant for the boarding home license, or is listed on the license application as a partner, officer, director, or majority owner of the applicant.

“Serious problem” means:

There has been a violation of a WAC or RCW; and

Significant harm has actually occurred to a resident; or

It is likely that significant harm or death will occur to a resident.

“Uncorrected problem” means the department has cited a violation of WAC or RCW following any type of inspection and the violation remains uncorrected at the time the

department makes a subsequent inspection for the specific purpose of verifying whether such violation has been corrected. When a change in licensees occurs, the new licensee is responsible for correcting any remaining violations that may exist, including complying with any plan of correction in effect immediately prior to the change in licensees.

“Prospective resident” means an individual who is seeking admission to a licensed boarding home and who has completed and signed an application for admission, or such application for admission has been completed and signed in their behalf by their legal representative if any, and if not, then the designated representative if any.

“Reasonable accommodation” and **“reasonably accommodate”** have the meaning given in federal and state antidiscrimination laws and regulations which include, but are not limited to, the following:

Reasonable accommodation means that the boarding home must:

Not impose admission criteria that excludes individuals unless the criteria is necessary for the provision of boarding home services;

Make reasonable modification to its policies, practices or procedures if the modifications are necessary to accommodate the needs of the resident;

Provide additional aids and services to the resident.

Reasonable accommodations are not required if:

The resident or individual applying for admission presents a significant risk to the health or safety of others that cannot be eliminated by the reasonable accommodation;

The reasonable accommodations would fundamentally alter the nature of the services provided by the boarding home; or

The reasonable accommodations would cause an undue burden, meaning a significant financial or administrative burden.

“RCW” means Revised Code of Washington.

“Records” means:

“Active records” means the current, relevant documentation regarding residents necessary to provide care and services to residents; or

“Inactive records” means historical documentation regarding the provision of care and services to residents that is no longer relevant to the current delivery of services and has been thinned from the active record.

“Resident” means an individual who:

Chooses to reside in a boarding home, including an individual receiving respite care;

Is not related by blood or marriage to the operator of the boarding home;

Receives basic services; and

Receives one or more of the services listed under general responsibility for the safety and well-being of the resident, and may receive domiciliary care or respite care provided directly, or indirectly, by the boarding home.

“Resident’s representative” means:

The legal representative who is the person or persons identified in RCW [7.70.065](#) and who may act on behalf of the resident pursuant to the scope of their legal authority. The legal representative shall not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident; or

If there is no legal representative, a person designated voluntarily by a competent resident in writing, to act in the resident's behalf concerning the care and services provided by the boarding home and to receive information from the boarding home if there is no legal representative. The resident's representative may not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident. The resident's representative under this subsection shall not have authority to act on behalf of the resident once the resident is no longer competent. The resident's competence shall be determined using the criteria in RCW [11.88.010](#) (1)(e).

“Respite care” means short-term care for any period in excess of twenty-four continuous hours for a resident to temporarily relieve the family or other caregiver of providing that care.

“Restraint” means any method or device used to prevent or limit free body movement, including, but not limited to:

Confinement, unless agreed to as provided in WAC [388-78A-2370](#);

“Chemical restraint” which means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms; and

“Physical restraint” which means a manual method, obstacle, or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that restricts freedom of movement or access to his or her body, is used for discipline or convenience, and not required to treat the resident's medical symptoms.

“Room” means a space set apart by floor to ceiling partitions on all sides with all openings provided with doors or windows.

“Sleeping room” means a room where a resident is customarily expected to sleep and contains a resident's bed.

“Resident living room” means the common space in a resident unit that is not a sleeping room, bathroom or closet.

“Significant change” means a change in the resident's physical, mental, or psychosocial status that causes either life-threatening conditions or clinical complications.

“Special needs” means a developmental disability, mental illness, or dementia.

“Staff person” means any boarding home employee or temporary employee or contractor, whether employed or retained by the licensee or any management company, or volunteer.

“State fire marshal” means the director of fire protection under the direction of the chief of the Washington state patrol.

“Toilet” means a disposal apparatus used for urination and defecation, fitted with a seat and flushing device.

“Volunteer” means an individual who interacts with residents without reimbursement.

“Vulnerable adult” includes a person:

Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

Found incapacitated under chapter [11.88](#) RCW; or

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

Admitted to any facility, including any boarding home; or

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

Receiving services from an individual provider.

For the purposes of requesting and receiving background checks pursuant to RCW [43.43.832](#), it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

“WAC” means Washington Administrative Code.

“Willful” means the deliberate, or nonaccidental, action or inaction by an alleged perpetrator that he/she knows or reasonably should have known could cause a negative outcome, including harm, injury, pain or anguish.

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

388-78A-2030 Applicability.

- (1) A person must have a boarding home license issued by the department under chapter [18.20](#) RCW and this chapter, except as otherwise exempted by RCW [18.20.170](#) and subsection (2) of this section, if the person advertises as, or operates, or maintains a facility that meets the definition of a “boarding home” in this chapter, within Washington state and provides housing, one or more basic services, and one or more of the following:
 - a. Assumes general responsibility for the safety and well-being of the residents;
 - b. Provides assistance with activities of daily living, either directly or indirectly;
 - c. Provides health support services, either directly or indirectly; or
 - d. Provides intermittent nursing services, either directly or indirectly.
- (2) A boarding home license is not required for one or more of the following services that may be provided to a nonresident individual. These services may not include continual care or supervision of a nonresident individual without a boarding home license:
 - a. Emergency assistance provided on an intermittent or nonroutine basis to any nonresident individual; or
 - b. Systems employed by independent senior housing, or independent living units in continuing care retirement communities, to respond to the potential need for emergency services for nonresident individuals; or
 - c. Infrequent, voluntary, and nonscheduled blood pressure checks for nonresident individuals; or
 - d. Nurse referral services provided at the request of a nonresident individual to determine whether referral to an outside health care provider is recommended; or
 - e. Making health care appointments at the request of nonresident individuals; or
 - f. Preadmission assessment, at the request of the nonresident individual; or
 - g. Services customarily provided under landlord tenant agreements governed by the Residential Landlord-Tenant Act, chapter [59.18](#) RCW; or
 - h. Housing nonresident individuals who, without ongoing assistance from the boarding home, initiate and arrange for services with a practitioner licensed under Title 18 RCW or a home health, hospice, or home care agency licensed under chapter [70.127](#) RCW, or other persons as permitted by the boarding home.
- (3) This section does not prohibit a boarding home from furnishing written information concerning available community resources to nonresident individuals or the individual’s family members or legal representatives. However, the boarding home may not require the use of any particular service provider.

388-78A-2040 Other requirements.

- (1) The boarding home must comply with all other applicable federal, state, county and municipal statutes, rules, codes and ordinances, including without limitations those that prohibit discrimination.
- (2) The boarding home must have its building approved by the Washington state fire marshal in order to be licensed.

388-78A-2050 Resident characteristics.

The boarding home may admit and retain an individual as a resident in a boarding home only if:

The boarding home can safely and appropriately serve the individual with appropriate available staff providing:

The scope of care and services described in the boarding home's disclosure information, except if the boarding home chooses to provide additional services consistent with RCW [18.20.300\(4\)](#); and

The reasonable accommodations required by state or federal law, including providing any specialized training to caregivers that may be required according to WAC [388-78A-2490](#) through [388-78A-2510](#);

The individual does not require the frequent presence and frequent evaluation of a registered nurse, excluding those individuals who are receiving hospice care or individuals who have a short-term illness that is expected to be resolved within fourteen days as long as the boarding home has the capacity to meet the individual's identified needs; and

The individual is ambulatory, unless the boarding home is approved by the Washington state director of fire protection to care for semiambulatory or nonambulatory residents.

388-78A-2060 Preadmission assessment.

The boarding home must conduct a preadmission assessment for each prospective resident that includes the following information, unless unavailable despite the best efforts of the boarding home:

Medical history;

Necessary and contraindicated medications;

A licensed medical or health professional's diagnosis, unless the prospective resident objects for religious reasons;

Significant known behaviors or symptoms that may cause concern or require special care;

Mental illness diagnosis, except where protected by confidentiality laws;

Level of personal care needs;

Activities and service preferences; and

Preferences regarding other issues important to the prospective resident, such as food and daily routine.

388-78A-2070 Timing of preadmission assessment.

Unless there is an emergency, the boarding home must complete the preadmission assessment of the prospective resident before each prospective resident moves into the boarding home.

The boarding home must ensure the preadmission assessment is completed within five calendar days of the resident moving into the boarding home when the resident moves in under emergency conditions.

For the purposes of this section, “emergency” means any circumstances when the prospective resident would otherwise need to remain in an unsafe setting or be without adequate and safe housing.

388-78A-2080 Qualified assessor.

The boarding home must ensure the person responsible for completing a preadmission assessment of a prospective resident:

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

Has a bachelor’s degree in social services, human services, behavioral sciences, or an allied field and three years social service experience working with adults who have functional or cognitive disabilities; or

Has a valid Washington state license to practice nursing, in accordance with chapters [18.79 RCW](#) and [246-840 WAC](#); or

Is a physician with a valid state license to practice medicine; or

Has three years of successful experience acquired prior to September 1, 2004, assessing prospective and current boarding home residents in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

388-78A-2090 Full assessment topics.

The boarding home must obtain sufficient information to be able to assess the capabilities, needs, and preferences for each resident, and must complete a full assessment addressing the following, within fourteen days of the resident’s move-in date, unless extended by the department for good cause:

Individual’s recent medical history, including, but not limited to:

A licensed medical or health professional’s diagnosis, unless the resident objects for religious reasons;

Chronic, current, and potential skin conditions; or

Known allergies to foods or medications, or other considerations for providing care or services.

Currently necessary and contraindicated medications and treatments for the individual, including:

Any prescribed medications, and over-the-counter medications commonly taken by the individual, that the individual is able to independently self-administer, or safely and accurately direct others to administer to him/her;

Any prescribed medications, and over-the-counter medications commonly taken by the individual, that the individual is able to self-administer when he/she has the assistance of a caregiver; and

Any prescribed medications, and over-the-counter medications commonly taken by the individual, that the individual is not able to self-administer, and needs to have administered to him or her.

The individual's nursing needs when the individual requires the services of a nurse on the boarding home premises.

Individual's sensory abilities, including:

Vision; and

Hearing.

Individual's communication abilities, including:

Modes of expression;

Ability to make self understood; and

Ability to understand others.

Significant known behaviors or symptoms of the individual causing concern or requiring special care, including:

History of substance abuse;

History of harming self, others, or property; or

Other conditions that may require behavioral intervention strategies;

Individual's ability to leave the boarding home unsupervised; and

Other safety considerations that may pose a danger to the individual or others, such as use of medical devices or the individual's ability to smoke unsupervised, if smoking is permitted in the boarding home.

Individual's special needs, by evaluating available information, or if available information does not indicate the presence of special needs, selecting and using an appropriate tool, to determine the presence of symptoms consistent with, and implications for care and services of:

Mental illness, or needs for psychological or mental health services, except where protected by confidentiality laws;

Developmental disability;

Dementia. While screening a resident for dementia, the boarding home must:

Base any determination that the resident has short-term memory loss upon objective evidence; and

Document the evidence in the resident's record.

Other conditions affecting cognition, such as traumatic brain injury.

Individual's level of personal care needs, including:

Ability to perform activities of daily living;

Medication management ability, including:

The individual's ability to obtain and appropriately use over-the-counter medications; and

How the individual will obtain prescribed medications for use in the boarding home.

Individual's activities, typical daily routines, habits and service preferences.

Individual's personal identity and lifestyle, to the extent the individual is willing to share the information, and the manner in which they are expressed, including

preferences regarding food, community contacts, hobbies, spiritual preferences, or other sources of pleasure and comfort.

Who has decision-making authority for the individual, including:

The presence of any advance directive, or other legal document that will establish a substitute decision maker in the future;

The presence of any legal document that establishes a current substitute decision maker; and

The scope of decision-making authority of any substitute decision maker.

388-78A-2100 On-going assessments.

The boarding home must:

- a. Complete a full assessment addressing the elements set forth in WAC [388-78A-2090](#) for each resident at least annually;
- b. Complete an assessment specifically focused on a resident's identified problems and related issues:
 - i. Consistent with the resident's change of condition as specified in WAC [388-78A-2120](#);
 - ii. When the resident's negotiated service agreement no longer addresses the resident's current needs and preferences;
 - iii. When the resident has an injury requiring the intervention of a practitioner.
- c. Ensure the staff person performing the on-going assessments is qualified to perform them.

388-78A-2110 Resident participation in assessments.

The boarding home must directly involve each resident or prospective resident, to the extent possible, along with any appropriate resident representative to the extent he or she is willing and capable, in the preadmission assessment and on-going assessment process.

388-78A-2120 Monitoring residents' well-being.

The boarding home must:

- (1) Observe each resident consistent with his or her assessed needs and negotiated service agreement;
- (2) Identify any changes in the resident's physical, emotional, and mental functioning that area:
 - (a) Departure from the resident's customary range of functioning; or
 - (b) Recurring condition in a resident's physical, emotional, or mental functioning that has previously required intervention by others.
- (3) Evaluate, in order to determine if there is a need for further action:
 - (a) The changes identified in the resident per subsection (2) of this section; and
 - (b) Each resident when an accident or incident that is likely to adversely affect the resident's well-being, is observed by or reported to staff persons.
- (4) Take appropriate action in response to each resident's changing needs.

388-78A-2130 Service agreement planning.

The boarding home must:

- (a) Develop an initial resident service plan, based upon discussions with the resident and the resident's representative if the resident has one, and the preadmission assessment of a qualified assessor, upon admitting a resident into a boarding home. The boarding home must ensure the initial resident service plan:
 - i. Integrates the assessment information provided by the department's case manager for each resident whose care is partially or wholly funded by the department;
 - ii. Identifies the resident's immediate needs; and
 - iii. Provides direction to staff and caregivers relating to the resident's immediate needs, capabilities, and preferences.
- (b) Complete the negotiated service agreement for each resident using the resident's preadmission assessment, initial resident service plan, and full assessment information, within thirty days of the resident moving in;
- (c) Review and update each resident's negotiated service agreement consistent with WAC [388-78A-2120](#):
 - i. Within a reasonable time consistent with the needs of the resident following any change in the resident's physical, mental, or emotional functioning; and
 - ii. Whenever the negotiated service agreement no longer adequately addresses the resident's current assessed needs and preferences.
- (d) Review and update each resident's negotiated service agreement as necessary following an annual full assessment;
- (e) Involve the following persons in the process of developing and updating a negotiated service agreement:
 - i. The resident;
 - ii. The resident's representative to the extent he or she is willing and capable, if the resident has one;
 - iii. Other individuals the resident wants included;
 - iv. The department's case manager, if the resident is a recipient of medicaid assistance, or any private case manager, if available; and
 - v. Staff designated by the boarding home.
- (f) Ensure:
 - i. Individuals participating in developing the resident's negotiated service agreement:
 1. Discuss the resident's assessed needs, capabilities, and preferences; and
 2. Negotiate and agree upon the care and services to be provided to support the resident; and
 - ii. Staff persons document in the resident's record the agreed upon plan for services.

388-78A-2140 Negotiated service agreement contents.

The boarding home must develop, and document in the resident's record, the agreed upon plan to address and support each resident's assessed capabilities, needs and preferences, including the following:

The care and services necessary to meet the resident's needs, including:

The plan to monitor the resident and address interventions for current risks to the resident's health and safety that were identified in one or more of the following:

The resident's preadmission assessment;

The resident's full assessments;

On-going assessments of the resident;

The plan to provide assistance with activities of daily living, if provided by the boarding home;

The plan to provide necessary intermittent nursing services, if provided by the boarding home;

The plan to provide necessary health support services, if provided by the boarding home;

The resident's preferences for how services will be provided, supported and accommodated by the boarding home.

Clearly defined respective roles and responsibilities of the resident, the boarding home staff, and resident's family or other significant persons in meeting the resident's needs and preferences. Except as specified in WAC [388-78A-2290](#) and [388-78A-2340\(5\)](#), if a person other than a caregiver is to be responsible for providing care or services to the resident in the boarding home, the boarding home must specify in the negotiated service agreement an alternate plan for providing care or service to the resident in the event the necessary services are not provided. The boarding home may develop an alternate plan:

Exclusively for the individual resident; or

Based on standard policies and procedures in the boarding home provided that they are consistent with the reasonable accommodation requirements of state and federal law.

The times services will be delivered, including frequency and approximate time of day, as appropriate;

The resident's preferences for activities and how those preferences will be supported;

Appropriate behavioral interventions, if needed;

A communication plan, if special communication needs are present;

The resident's ability to leave the boarding home premises unsupervised; and

The boarding home must not require or ask the resident or the resident's representative to sign any negotiated service or risk agreement, that purports to waive any rights of the resident or that purports to place responsibility or liability for losses of personal property or injury on the resident.

388-78A-2150 Signing negotiated service agreement.

The boarding home must ensure that the negotiated service agreement is agreed to and signed at least annually by:

The resident, or the resident's representative if the resident has one and is unable to sign or chooses not to sign;

A representative of the boarding home duly authorized by the boarding home to sign on its behalf; and

Any public or private case manager for the resident, if available.

388-78A-2160 Implementation of negotiated service agreement.

The boarding home must provide the care and services as agreed upon in the negotiated service agreement to each resident unless a deviation from the negotiated service agreement is mutually agreed upon between the boarding home and the resident or the resident's representative at the time the care or services are scheduled.

388-78A-2170 Required boarding home services.

- a. The boarding home must provide housing and assume general responsibility for the safety and well-being of each resident, as defined in this chapter, consistent with the resident's assessed needs and negotiated service agreement.
- (2) The boarding homes must provide each resident with the following basic services, consistent with the resident's assessed needs and negotiated service agreement:
 - (a) **Activities** - Arranging for activities in accordance with WAC [388-78A-2180](#);
 - (b) **Housekeeping** - Providing a safe, clean and comfortable environment for each resident, including personal living quarters and all other resident accessible areas of the building;
 - (c) **Laundry** - Keeping the resident's clothing clean and in good repair, and laundering towels, washcloths, bed linens on a weekly basis or more often as necessary to maintain cleanliness;
 - (d) **Meals** - Providing meals in accordance with WAC [388-78A-2300](#); and
 - (e) **Nutritious snacks** - Providing nutritious snack items on a scheduled and nonscheduled basis, and providing nutritious snacks in accordance with WAC [388-78A-2300](#).
- (3) The boarding home must:
 - i. Provide care and services to each resident by staff persons who are able to communicate with the resident in a language the resident understands; or
 - ii. Make provisions for communications between staff persons and residents to ensure an accurate exchange of information.
- (4) The boarding home must ensure each resident is able to obtain individually preferred personal care items when:
 - i. The preferred personal care items are reasonably available; and
 - ii. The resident is willing and able to pay for obtaining the preferred items.

388-78A-2180 Activities.

The boarding home must:

- (a) Provide space and staff support necessary for:
 - i. Each resident to engage in independent or self-directed activities that are appropriate to the setting, consistent with the resident's assessed interests, functional abilities, preferences, and negotiated service agreement; and
 - ii. Group activities at least three times per week that may be planned and facilitated by caregivers consistent with the collective interests of a group of residents.
- (b) Make available routine supplies and equipment necessary for activities described in subsection (1) of this section.

388-78A-2190 Activities of daily living.

Assistance with activities of daily living is an optional service that the boarding home may provide.

If a boarding home chooses not to provide assistance with activities of daily living:

The boarding home must admit or retain only those residents who are independent in activities of daily living; except that

A resident, or the resident's representative, may independently arrange for outside services to assist with activities of daily living.

When a boarding home chooses to provide, either directly or indirectly, assistance with activities of daily living, the boarding home must provide that assistance consistent with the reasonable accommodation requirements in state and federal laws.

When a boarding home chooses to provide, either directly or indirectly, assistance with activities of daily living, the boarding home must provide to each resident, consistent with the resident's assessed needs, minimal assistance with the following activities of daily living:

Bathing: Minimal assistance with bathing means the boarding home must provide the resident with occasional:

- Reminding or cuing to wash and dry all areas of the body as needed;
- Stand-by assistance getting into and out of the tub or shower; and
- Physical assistance limited to steadying the resident during the activity.

Dressing: Minimal assistance with dressing means the boarding home must provide the resident with occasional:

- Reminding or cuing to put on, take off, or lay out clothing, including prostheses when the assistance of a licensed nurse is not required;
- Stand-by assistance during the activity; and
- Physical assistance limited to steadying the resident during the activity.

Eating: Minimal assistance with eating means the boarding home must provide the resident with occasional:

- Reminding or cuing to eat and drink; and
- Physical assistance limited to cutting food up, preparing food and beverages, and bringing food and fluids to the resident.

Personal hygiene: Minimal assistance with personal hygiene means the boarding home must provide the resident with occasional:

- Reminding and cuing to comb hair, perform oral care and brush teeth, shave, apply makeup, and wash and dry face, hands and other areas of the body;
- Stand-by assistance during the activity; and
- Physical assistance limited to steadying the resident during the activity.

Transferring: Minimal assistance in transferring means the boarding home must provide the resident with occasional:

- Reminders or cuing to move between surfaces, for example to and from the bed, chair and standing;
- Stand-by assistance during the activity; and
- Physical assistance limited to steadying the resident during self-transfers.

Toileting: Minimal assistance in toileting means the boarding home must provide the resident with occasional:

- Reminders and cuing to toilet, including resident self-care of ostomy or catheter, to wipe and cleanse, and to change and adjust clothing, protective garments and pads;
- Stand-by assistance during the activity; and
- Physical assistance limited to steadying the resident during the activity.

Mobility: Minimal assistance in mobility means the boarding home must provide the resident with occasional:

Reminding or cuing to move between locations on the boarding home premises;
Stand-by assistance during the activity; and
Physical assistance limited to steadying the resident during the activity.

The boarding home may choose to provide more than minimal assistance with activities of daily living consistent with state and federal law.

388-78A-2200 Health support services.

Health support services are an optional service that the boarding home may provide. The boarding home may choose to provide any of the following health support services; however, a boarding home may or may not need to provide additional health support services to comply with the reasonable accommodation requirements in federal and state law. The boarding home may provide:

Blood glucose testing;
Puree diets;
Calorie controlled diabetic diets;
Dementia care;
Mental health care; and
Developmental disabilities care.

388-78A-2202 Respite — General.

A boarding home:

- (a) May provide short term respite care;
- (2) Must limit the length of stay for an individual on respite to thirty calendar days or less; and
- (3) Must not use respite as a placement pending the resident's admission to the boarding home.

388-78A-2204 Respite — Information.

When a boarding home provides respite care, before or at the time of admission, the boarding home must obtain sufficient information about the individual to meet the individual's anticipated needs. That information must include at a minimum:

The resident's legal name;
The name, phone number and address of the resident's representative, if applicable;
The name and address of the adult family home, boarding home, or other location where the resident normally lives, with the name of a contact person and the contact person's phone number;
The name, address, and telephone number of the resident's attending physician, and alternate physician if any;
Medical and social history, which may be obtained from a respite care assessment and respite service plan performed by a case manager designated by an area agency on aging under contract with the department, and mental and physical assessment data; and
Physician's orders for diet, medication, and routine care consistent with the resident's status on admission.

388-78A-2206 Respite — Assessment.

The boarding home must ensure that any individual on respite has assessments performed, where needed, and if the assessment of the individual shows symptoms of:

- Tuberculosis, follow required tuberculosis testing requirements; and
- Other infectious conditions or diseases, follow the appropriate infection control processes.

388-78A-2208 Respite — Negotiated service agreement.

With the participation of the individual, and where appropriate their representative, the boarding home must develop a negotiated service agreement, to maintain or improve the individual's health and functional status during their stay in the boarding home.

388-78A-2210 Medication services.

A boarding home providing medication service, either directly or indirectly, must:
Meet the requirements of chapter [69.41](#) RCW Legend drugs—Prescription drugs, and other applicable statutes and administrative rules; and

Develop and implement systems that support and promote safe medication service for each resident.

The boarding home must ensure the following residents receive their medications as prescribed, except as provided for in WAC [388-78A-2230](#) and [388-78A-2250](#):

Each resident who requires medication assistance and his or her negotiated service agreement indicates the boarding home will provide medication assistance; and

If the boarding home provides medication administration services, each resident who requires medication administration and his or her negotiated service agreement indicates the boarding home will provide medication administration.

388-78A-2220 Prescribed medication authorizations.

Before the boarding home may provide medication assistance or medication administration to a resident for prescribed medications, the boarding home must have one of the following:

- A prescription label completed by a licensed pharmacy;
- A written order from the prescriber;
- A facsimile or other electronic transmission of the order from the prescriber; or
- Written documentation by a nurse of a telephone order from the prescriber.

The documentation required above in subsection (1) of this section must include the following information:

- The name of the resident;
- The name of the medication;
- The dosage and dosage frequency of the medication; and
- The name of the prescriber.

388-78A-2230 Medication refusal.

- (a) When a resident who is receiving medication assistance or medication administration services from the boarding home chooses to not take his or her medications, the boarding home must:
 - (i) Respect the resident's right to choose not to take medication;
 - (ii) Document the time, date and medication the resident did not take;
 - (iii) Notify the physician of the refusal and follow any instructions provided, unless there is a staff person available who, acting within his or her scope of practice, is able to evaluate the significance of the resident not getting his or her medication, and such staff person:
 - (A) Conducts an evaluation; and
 - (B) Takes the appropriate action, including notifying the prescriber or primary care practitioner when there is a consistent pattern of the resident choosing to not take his or her medications.
- (b) The boarding home must comply with subsection (1) of this section, unless the prescriber or primary care practitioner has provided the boarding home with:
 - (i) Specific directions for addressing the refusal of the identified medication;
 - (ii) The boarding home documents such directions; and
 - (iii) The boarding home is able to fully comply with such directions.

388-78A-2240 Nonavailability of medications.

When the boarding home has assumed responsibility for obtaining a resident's prescribed medications, the boarding home must obtain them in a correct and timely manner.

388-78A-2250 Alteration of medications.

The boarding home must generally provide medications in the form they are prescribed when administering medications or providing medication assistance to a resident. The boarding home may provide medications in an altered form consistent with the following:

Alteration includes, but is not limited to, crushing tablets, cutting tablets in half, opening capsules, mixing powdered medications with foods or liquids, or mixing tablets or capsules with foods or liquids.

Residents must be aware that the medication is being altered or added to their food.

A pharmacist or other practitioner practicing within their scope of practice must determine that it is safe to alter a medication.

If the medication is altered, documentation of the appropriateness of the alteration must be on the prescription container, or in the resident's record.

Alteration of medications for self-administration with assistance is provided in accordance with chapter [246-888](#) WAC.

388-78A-2260 Storing, securing, and accounting for medications.

The boarding home must secure medications for residents who are not capable of safely storing their own medications.

The boarding home must ensure all medications under the boarding home's control are properly stored:

- In containers with pharmacist-prepared label or original manufacturer's label;
- Together for each resident and physically separated from other residents' medications;
- Separate from food or toxic chemicals;
- In a locked compartment that is accessible only to designated responsible staff persons; and
- In environments recommended on the medication label.

388-78A-2270 Resident controlled medications.

- (1) The boarding home must ensure all medications are stored in a manner that prevents each resident from gaining access to another resident's medications.
- (2) The boarding home must allow a resident to control and secure the medications that he or she self-administers or self-administers with assistance if the boarding home assesses the resident to be capable of safely and appropriately storing his or her own medications and the resident desires to do so.

388-78A-2280 Medication organizers.

- a. The boarding home must ensure no staff person other than a nurse or licensed pharmacist fills medication organizers for residents.
- b. The boarding home must ensure that any nurse who fills a medication organizer for a resident labels the medication organizer with:
 - i. The name of the resident;
 - ii. The name of the medications in the organizer; and
 - iii. The frequency of the dosage.

388-78A-2290 Family assistance with medications and treatments.

A boarding home may permit a resident's family member to administer medications or treatments or to provide medication or treatment assistance, including obtaining medications or treatment supplies, to the resident.

The boarding home must disclose to the department, residents, the residents' legal representatives, if any, and if not the residents' representative if any, and to interested consumers upon request, information describing whether the boarding home permits such family administration or assistance and, if so, the extent of any limitations or conditions.

If the boarding home allows family assistance with or administration of medications and treatments, and the resident and a family member(s) agree a family member will provide medication or treatment assistance, or medication or treatment administration to the resident, the boarding home must request that the family member submit to the boarding home a written plan for such assistance or administration that includes at a minimum:

By name, the family member who will provide the medication or treatment assistance or administration;

A description of the medication or treatment assistance or administration that the family member will provide, to be referred to as the primary plan;

An alternate plan if the family member is unable to fulfill his or her duties as specified in the primary plan;

An emergency contact person and telephone number if the boarding home observes changes in the resident's overall functioning or condition that may relate to the medication or treatment plan; and

Other information determined necessary by the boarding home.

The plan for family assistance with medications or treatments must be signed and dated by:

The resident, if able;

The resident's representative, if any;

The resident's family member responsible for implementing the plan; and

A representative of the boarding home authorized by the boarding home to sign on its behalf.

The boarding home may, through policy or procedure, require the resident's family member to immediately notify the boarding home of any changes in the medication or treatment plans for family assistance or administration.

The boarding home must require that whenever a resident's family provides medication assistance or medication administration services, the resident's significant medications remain on the boarding home premises whenever the resident is on the boarding home premises.

The boarding home's duty of care shall be limited to: Observation of the resident for changes in overall functioning consistent with RCW [18.20.280](#); notification to the person or persons identified in RCW [70.129.030](#) when there are observed changes in the resident's overall functioning or condition, or when the boarding home is aware that both the primary and alternate plan are not implemented; and appropriately responding to obtain needed assistance when there are observable or reported changes in the resident's physical or mental functioning.

388-78A-2300 Food and nutrition services.

- (1) The boarding home must:
 - a. Provide a minimum of three meals a day:
 - i. At regular intervals;
 - ii. With no more than fourteen hours between the evening meal and breakfast, unless the boarding home provides a nutritious snack after the evening meal and before breakfast.
 - b. Provide sufficient time and staff support for residents to consume meals;
 - c. Ensure all menus:
 - i. Are written at least one week in advance and delivered to residents' rooms or posted where residents can see them, except as specified in (f) of this subsection;
 - ii. Indicate the date, day of week, month and year;
 - iii. Include all food and snacks served that contribute to nutritional requirements;

- iv. Are kept at least six months;
 - v. Provide a variety of foods; and
 - vi. Are not repeated for at least three weeks, except that breakfast menus in boarding homes that provide a variety of daily choices of hot and cold foods are not required to have a minimum three-week cycle.
- d. Prepare on-site, or provide food through a contract with a food service establishment in the vicinity that meets the requirements of chapter [246-215](#) WAC Food Service;
 - e. Serve nourishing, palatable and attractively served meals adjusted for:
 - i. Age, gender and activities, unless medically contraindicated; and
 - ii. Individual preferences to the extent reasonably possible.
 - f. Substitute foods of equal nutrient value, when changes in the current day's menu are necessary, and record changes on the original menu;
 - g. Make available and give residents alternate choices in entrees for midday and evening meals that are of comparable quality and nutritional value. The boarding home is not required to post alternate choices in entrees on the menu one week in advance, but must record on the menus the alternate choices in entrees that are served;
 - h. Develop, make known to residents, and implement a process for residents to express their views and comment on the food services; and
 - i. Maintain a dining area or areas approved by the department with a seating capacity for fifty percent or more of the residents per meal setting, or ten square feet times the licensed resident bed capacity, whichever is greater.
- (2) The boarding home must plan in writing, prepare on-site or provide through a contract with a food service establishment located in the vicinity that meets the requirements of chapter [246-215](#) WAC, and serve to each resident as ordered:
- a. Prescribed general low sodium, general diabetic, and mechanical soft food diets according to a diet manual. The boarding home must ensure the diet manual is:
 - i. Available to and used by staff persons responsible for food preparation;
 - ii. Approved by a dietitian; and
 - iii. Reviewed and updated as necessary or at least every five years.
 - b. Prescribed nutrient concentrates and supplements when prescribed in writing by a health care practitioner.
- (3) The boarding home may provide to a resident at his or her request and as agreed upon in the resident's negotiated service agreement, nonprescribed:
- a. Modified or therapeutic diets;
 - b. Nutritional concentrates or supplements.

388-78A-2305 Food sanitation.

The boarding home must:

- a. Manage food, and maintain any on-site food service facilities in compliance with chapter [246-215](#) WAC, Food service;
- b. Ensure employees working as food service workers obtain a food worker card according to chapter [246-217](#) WAC; and
- c. Ensure a resident obtains a food worker card according to chapter [246-217](#) WAC whenever:

- i. The resident is routinely or regularly involved in the preparation of food to be served to other residents;
- ii. The resident is paid for helping to prepare food; or
- iii. The resident is preparing food to be served to other residents as part of an employment-training program.

388-78A-2310 Intermittent nursing services.

- a. Intermittent nursing services are an optional service that the boarding home may provide.
- b. The boarding home may choose to provide any of the following intermittent nursing services through appropriately licensed and credentialed staff; however, the facility may or may not need to provide additional intermittent nursing services to comply with the reasonable accommodation requirements in federal or state law:
 - (a) Medication administration;
 - (b) Administration of health treatments;
 - (c) Diabetic management;
 - (d) Nonroutine ostomy care;
 - (e) Tube feeding; and
 - (f) Nurse delegation consistent with chapter [18.79](#) RCW.
- c. The boarding home must clarify on the disclosure form any limitations, additional services, or conditions that may apply under this section.
- d. In providing intermittent nursing services, the boarding home must observe the resident for changes in overall functioning and respond appropriately when there are observable or reported changes in the resident's physical, mental or emotional functioning.
- e. The boarding home may provide intermittent nursing services to the extent permitted by RCW [18.20.160](#).

388-78A-2320 Intermittent nursing services systems.

When a boarding home provides intermittent nursing services to any resident, either directly or indirectly, the boarding home must:

Develop and implement systems that support and promote the safe practice of nursing for each resident; and

Ensure the requirements of chapters [18.79](#) RCW and [246-840](#) WAC are met.

The boarding home providing nursing services, either directly or indirectly, must ensure that the nursing services systems include:

Nursing services supervision;

Nurse delegation, if provided;

Initial and on-going assessments of the nursing needs of each resident;

Development of, and necessary amendments to, the nursing component of the negotiated service agreement for each resident;

Implementation of the nursing component of each resident's negotiated service agreement; and

Availability of the supervisor, in person, by pager, or by telephone, to respond to residents' needs on the boarding home premises as necessary.

The boarding home must ensure that all nursing services, including nursing supervision, assessments, and delegation, are provided in accordance with applicable statutes and rules, including, but not limited to:

- Chapter [18.79](#) RCW, Nursing care;
- Chapter [18.88A](#) RCW, Nursing assistants;
- Chapter [246-840](#) WAC, Practical and registered nursing;
- Chapter [246-841](#) WAC, Nursing assistants; and
- Chapter [246-888](#) WAC, Medication assistance.

388-78A-2330 Tube feeding.

- (1) Tube feeding services are an optional service that a boarding home may provide.
- (2) The boarding home must provide intermittent nursing services to develop and implement the nursing component of the negotiated service agreement, administer feedings and necessary medications, and provide routine care of the tube insertion site whenever any resident requiring tube feeding is not able to:
 - (a) Independently and safely manage:
 - i. Maintenance of the tube insertion site;
 - ii. Necessary medication administration through the tube; and
 - iii. Feeding administration through the tube.
 - (b) Arrange for an outside resource to provide:
 - i. Maintenance of the tube insertion site;
 - ii. Necessary medication administration through the tube; and
 - iii. Feeding administration through the tube.
- (3) The boarding home is not required to provide nursing services to a resident simply because the resident requires tube feeding if the resident can either independently manage or arrange for an outside resource to perform the tasks specified in subsection (2)(a) and (b) of this section.

388-78A-2340 Resident-arranged services.

- (1) The boarding home must allow a resident to arrange to receive on-site care and services from:
 - (a) A practitioner, licensed under Title [18](#) RCW regulating health care professions; and
 - (b) A home health, hospice, or home care agency licensed under chapter [70.127](#) RCW.
- (2) The boarding home may permit the resident or the resident's legal representative, if any, to independently arrange for other persons to provide on-site care and services to the resident.
- (3) The boarding home is not required to supervise the activities of a person providing care or services to a resident when the resident or resident's representative has independently arranged for or contracted with the person.
- (4) The boarding home may establish policies and procedures that describe reasonable limitations, conditions, or requirements that must be met prior to an outside service provider being allowed on-site.
- (5) When the resident or the resident's representative, if any, independently arranges for outside services under subsection (1) of this section, the boarding home's duty of care,

and any negligence that may be attributed thereto, shall be limited to: The responsibilities described under subsection (3) of this section; observation of the resident for changes in overall functioning, consistent with RCW [18.20.280](#); notification to the person or persons identified in RCW [70.129.030](#) when there are observed changes in the resident's overall functioning or condition; and appropriately responding to obtain needed assistance when there are observable or reported changes in the resident's physical or mental functioning.

388-78A-2350 Coordination of health care services.

The boarding home must coordinate services with external health care providers to meet the residents' needs, consistent with the resident's negotiated service agreement.

The boarding home must develop, implement and inform residents of the boarding home's policies regarding how the boarding home interacts with external health care providers, including:

The conditions under which health care information regarding a resident will be shared with external health care providers, consistent with chapter [70.02](#) RCW; and

How residents' rights to privacy will be protected, including provisions for residents to authorize the release of health care information.

The boarding home may disclose health care information about a resident to external health care providers without the resident's authorization if the conditions in RCW [70.02.050](#) are met.

If the conditions in RCW [70.02.050](#) are not met, the boarding home must request, but may not require, a resident to authorize the boarding home and the external health care provider to share the resident's health care information when:

The boarding home becomes aware that a resident is receiving health care services from a source other than the boarding home; and

The resident has not previously authorized the boarding home to release health care information to an external health care provider.

When a resident authorizes the release of health care information or resident authorization is not required under RCW [70.02.050](#), the boarding home must contact the external health care provider and coordinate services.

When authorizations to release health care information are not obtained, or when an external health care provider is unresponsive to the boarding home's efforts to coordinate services, the boarding home must:

Document the boarding home's actions to coordinate services;

Provide notice to the resident of the risks of not allowing the boarding home to coordinate care with the external provider; and

Address known associated risks in the resident's negotiated service agreement.

When coordinating care or services, the boarding home must:

Integrate relevant information from the external provider into the resident's preadmission assessment and reassessment, and when appropriate, negotiated service agreement; and

Respond appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning.

388-78A-2360 Adult day services.

- (i) The boarding home may, but is not required to, provide an adult day services program for nonresidents.
- (ii) If adult day services are provided, the boarding home must:
 1. Ensure each adult day services client receives appropriate supervision and agreed upon care and services during the time spent in the day services program;
 2. Ensure the care and services provided to adult day services clients do not compromise the care and services provided to boarding home residents;
 3. Ensure the total number of residents plus adult day services clients does not exceed the boarding home's maximum facility capacity;
 4. Only accept adult day services clients who are appropriate for boarding home care and services, consistent with WAC [388-78A-2050](#);
 5. Provide sufficient furniture for the comfort of day services clients, in addition to furniture provided for residents;
 6. Notify appropriate individuals specified in the client's record and consistent with WAC [388-78A-2640](#) when there is a significant change in the condition of an adult day services client;
 7. Investigate and document incidents and accidents involving adult day services clients consistent with WAC [388-78A-2700](#);
 8. Maintain a separate register of adult day services clients; and
 9. Maintain a record for each adult day services client.

388-78A-2370 Dementia care.

- i. The boarding home must, to the fullest extent reasonably possible, obtain for each resident who has symptoms consistent with dementia as assessed per WAC [388-78A-2090](#)(7):
 1. Information regarding the resident's significant life experiences, including:
 - a. Family members or other significant relationships;
 - b. Education and training;
 - c. Employment and career experiences;
 - d. Religious or spiritual preferences;
 - e. Familiar roles or sources of pride and pleasure.
 2. Information regarding the resident's ability or inability to:
 - a. Articulate his or her personal needs; and
 - b. Initiate activity.
 3. Information regarding any patterns of resident behavior that express the resident's needs or concerns that the resident is not able to verbalize. Examples of such behaviors include, but are not limited to:
 - a. Agitation;
 - b. Wandering;
 - c. Resistance to care;
 - d. Social isolation; and
 - e. Aggression.
- (2) The boarding home, in consultation with the resident's family or others familiar with the resident, must evaluate the significance and implications of the information obtained per

subsection (1) of this section and integrate appropriate aspects into an individualized negotiated service agreement for the resident.

388-78A-2380 Restricted egress.

A boarding home must ensure all of the following conditions are present before moving residents into units or buildings with exits that may restrict a resident's egress:

Each resident, or a person authorized under RCW [7.70.065](#) to provide consent on behalf of the resident, consents to living in such unit or building.

Each resident assessed as being cognitively and physically able to safely leave the boarding home is able to do so independently without restriction.

Each resident, assessed as being cognitively able to safely leave the boarding home and who has physical challenges that make exiting difficult, is able to leave the boarding home when the resident desires and in a manner consistent with the resident's negotiated service agreement.

Each resident who is assessed as being unsafe to leave the boarding home unescorted is able to leave the boarding home consistent with his or her negotiated service agreement.

Areas from which egress is restricted are equipped throughout with an approved automatic fire detection system and automatic fire sprinkler system electrically interconnected with a fire alarm system that transmits an alarm off site to a twenty-four hour monitoring station.

Installation of special egress control devices in all proposed construction issued a project number by construction review services on or after September 1, 2004 for construction related to this section, must conform to standards adopted by the state building code council.

Installation of special egress control devices in all construction issued a project number by construction review services before September 1, 2004 for construction related to this section, must conform to the following:

The egress control device must automatically deactivate upon activation of either the sprinkler system or the smoke detection system.

The egress control device must automatically deactivate upon loss of electrical power to any one of the following:

The egress control device itself;

The smoke detection system; or

The means of egress illumination.

The egress control device must be capable of being deactivated by a signal from a switch located in an approved location.

An irreversible process which will deactivate the egress control device must be initiated whenever a manual force of not more than fifteen pounds is applied for two seconds to the panic bar or other door-latching hardware. The egress control device must deactivate within an approved time period not to exceed a total of fifteen seconds. The time delay must not be field adjustable.

Actuation of the panic bar or other door-latching hardware must activate an audible signal at the door.

The unlatching must not require more than one operation.

A sign must be provided on the door located above and within twelve inches of the panic bar or other door-latching hardware reading:

“Keep pushing. The door will open in fifteen seconds. Alarm will sound.”

The sign lettering must be at least one inch in height and must have a stroke of not less than one-eighth inch.

Regardless of the means of deactivation, relocking of the egress control device must be by manual means only at the door.

The boarding home must have a system in place to inform and permit visitors, staff persons and appropriate residents how they can exit without sounding the alarm.

Units or buildings from which egress is restricted are equipped with a secured outdoor space for walking which:

- Is accessible to residents without staff assistance;
- Is surrounded by walls or fences at least seventy-two inches high;
- Has areas protected from direct sunshine and rain throughout the day;
- Has walking surfaces that are firm, stable, slip-resistant and free from abrupt changes and are suitable for individuals using wheelchairs and walkers; and
- Has suitable outdoor furniture.

388-78A-2390 Resident records.

The boarding home must maintain adequate records concerning residents to enable the boarding home:

- (1) To effectively provide the care and services agreed upon with the resident; and
- (2) To respond appropriately in emergency situations.

388-78A-2400 Protection of resident records.

The boarding home must:

- i. Maintain a systematic and secure method of identifying and filing resident records for easy access;
- ii. Maintain resident records and preserve their confidentiality in accordance with applicable state and federal statutes and rules, including chapters [70.02](#) and [70.129](#) RCW;
- iii. Allow authorized representatives of the department and other authorized regulatory agencies access to resident records;
- iv. Provide any resident or other individual or organization access to resident records upon written consent of the resident or the resident’s representative, unless state or federal law provide for broader access;
- v. Allow authorized agents, such as a management company, to use resident records solely for the purpose of providing care and services to residents and ensure that agents do not disclose such records except in a manner consistent with law; and
- vi. Maintain ownership and control of resident records, except that resident records may be transferred to a subsequent person licensed by the department to operate the boarding home.

388-78A-2410 Content of resident records.

The boarding home must organize and maintain resident records in a format that the boarding home determines to be useful and functional to enable the effective provision of care and services to each resident. Active resident records must include the following:

- (1) Resident identifying information, including resident's:
 - (a) Name;
 - (b) Birth date;
 - (c) Move-in date; and
 - (d) Sleeping room identification.
- (2) Current name, address, and telephone number of:
 - (a) Resident's primary health care provider;
 - (b) Resident's representative, if the resident has one;
 - (c) Individual(s) to contact in case of emergency, illness or death; and
 - (d) Family members or others, if any, the resident requests to be involved in the development or delivery of services for the resident.
- (3) Resident's written acknowledgment of receipt of:
 - (a) Required disclosure information prior to moving into the boarding home; and
 - (b) Information required by long-term care resident rights per RCW [70.129.030](#).
- (4) The resident's assessment and reassessment information.
- (5) Clinical information such as admission weight, height, blood pressure, temperature, blood sugar and other laboratory tests required by the negotiated service agreement.
- (6) The resident's negotiated service agreement consistent with WAC [388-78A-2140](#).
- (7) Any orders for medications, treatments, and modified or therapeutic diets, including any directions for addressing a resident's refusal of medications, treatments, and prescribed diets.
- (8) Medical and nursing services provided by the boarding home for a resident, including:
 - (a) A record of providing medication assistance and medication administration, which contains:
 - (i) The medication name, dose, and route of administration;
 - (ii) The time and date of any medication assistance or administration;
 - (iii) The signature or initials of the person providing any medication assistance or administration; and
 - (iv) Documentation of a resident choosing to not take his or her medications.
 - (b) A record of any nursing treatments, including the signature or initials of the person providing them.
- (9) Documentation consistent with WAC [388-78A-2120](#) Monitoring resident well-being.
- (10) Staff interventions or responses to subsection (9) of this section, including any modifications made to the resident's negotiated service agreement.
- (11) Notices of and reasons for relocation as specified in RCW [70.129.110](#).
- (12) The individuals who were notified of a significant change in the resident's condition and the time and date of the notification.
- (13) When available, a copy of any legal documents in which:
 - (a) The resident has appointed another individual to make his or her health care, financial, or other decisions;

- (b) The resident has created an advance directive or other legal document that establishes a surrogate decision maker in the future and/or provides directions to health care providers; and
- (c) A court has established guardianship on behalf of the resident.

388-78A-2420 Record retention.

- (1) The boarding home must maintain on the boarding home premises in a resident's active record(s) all relevant information and documentation necessary for meeting a resident's current assessed needs.
- (2) The boarding home may remove outdated information from the resident's active records that is no longer significant or relevant to the resident's current assessed service and care needs, and maintain it in an inactive record that must remain on the boarding home premises as long as the resident remains in the boarding home.
- (3) The boarding home must maintain all documentation filed in a closed resident record, on the boarding home premises for six months after the date the resident leaves the boarding home and on the boarding home premises or another location for five years after the date the resident leaves the boarding home.
- (4) All active, inactive, and closed resident records must be available for review by department staff and other authorized persons.
- (5) If a boarding home ceases to operate as a licensed boarding home, the most recent licensee must make arrangements to ensure that the former residents' records are retained according to the times specified in this section and are available for review by department staff and other authorized individuals.

388-78A-2430 Resident review of records.

- (1) The boarding home must assemble all records pertaining to a resident and make them available to a resident within twenty-four hours of the resident's or the resident's representative's request to review the resident's records per RCW [70.129.030](#).
- (2) The boarding home must provide to the resident or the resident's representative, photocopies of the records or any portions of the records pertaining to the resident, within two working days of the resident's or resident's representative's request for the records.
 - (a) For the purposes of this section, "working days" means Monday through Friday, except for legal holidays.
 - (b) The boarding home may charge the resident or the resident's representative a fee not to exceed twenty-five cents per page for the cost of photocopying the resident's record.

388-78A-2440 Resident register.

- (1) The boarding home must maintain in the boarding home a single current register of all boarding home residents, their roommates and identification of the rooms in which such persons reside or sleep.

- (2) The boarding home must maintain a readily available permanent, current book, computer file, or register with entries in ink or typewritten, of all individuals who resided in the boarding home within the past five years, including:
 - a. Move-in date;
 - b. Full name;
 - c. Date of birth;
 - d. Date of moving out;
 - e. Reason for moving out; and
 - f. Location and address to which the resident was discharged.
- (3) The boarding home must make this register immediately available to:
 - a. Authorized department staff;
 - b. Representatives of the long-term care ombudsman's office; and
 - c. Representative of the Washington state fire marshal when conducting fire safety inspections.

388-78A-2450 Staff.

- i. Each boarding home must provide sufficient, trained staff persons to:
 1. Furnish the services and care needed by each resident consistent with his or her negotiated service agreement;
 2. Maintain the boarding home free of safety hazards; and
 3. Implement fire and disaster plans.
- ii. The boarding home must:
 1. Develop and maintain written job descriptions for the administrator and each staff position and provide each staff person with a copy of his or her job description before or upon the start of employment;
 2. Verify staff persons' work references prior to hiring;
 3. Verify prior to hiring that staff persons have the required licenses, certification, registrations, or other credentials for the position, and that such licenses, certifications, registrations, and credentials are current and in good standing;
 4. Document and retain for twelve weeks, weekly staffing schedules, as planned and worked;
 5. Ensure all resident care and services are provided only by staff persons who have the training, credentials, experience and other qualifications necessary to provide the care and services;
 6. Ensure at least one caregiver, who is eighteen years of age or older and has current cardiopulmonary resuscitation and first-aid cards, is present and available to assist residents at all times:
 - a. When one or more residents are present on the boarding home premises; and
 - b. During boarding home activities off of the boarding home premises.
 7. Ensure caregiver provides on-site supervision of any resident voluntarily providing services for the boarding home;
 8. Provide staff orientation and appropriate training for expected duties, including:
 - a. Organization of boarding home;
 - b. Physical boarding home layout;
 - c. Specific duties and responsibilities;

- d. How to report resident abuse and neglect consistent with chapter [74.34](#) RCW and boarding home policies and procedures;
 - e. Policies, procedures, and equipment necessary to perform duties;
 - f. Needs and service preferences identified in the negotiated service agreements of residents with whom the staff persons will be working; and
 - g. Resident rights, including without limitation, those specified in chapter [70.129](#) RCW.
9. Develop and implement a process to ensure caregivers:
 - a. Acquire the necessary information from the preadmission assessment, on-going assessment and negotiated service agreement relevant to providing services to each resident with whom the caregiver works;
 - b. Are informed of changes in the negotiated service agreement of each resident with whom the caregiver works; and
 - c. Are given an opportunity to provide information to responsible staff regarding the resident when assessments and negotiated service agreements are updated for each resident with whom the caregiver works.
 10. Ensure all caregivers have access to resident records relevant to effectively providing care and services to the resident.
- iii. The boarding home must:
 1. Protect all residents by ensuring any staff person suspected or accused of abuse, neglect, financial exploitation, or abandonment does not have access to any resident until the boarding home investigates and takes action to ensure resident safety;
 2. Not interfere with the investigation of a complaint, coerce a resident or staff person regarding cooperating with a complaint investigation, or conceal or destroy evidence of alleged improprieties occurring within the boarding home;
 3. Prohibit staff persons from being directly employed by a resident or a resident's family during the hours the staff person is working for the boarding home;
 4. Maintain the following documentation on the boarding home premises, during employment, and at least two years following termination of employment:
 - a. Staff orientation and training or certification pertinent to duties, including, but not limited to:
 - i. Training required by chapter [388-112](#) WAC;
 - ii. Home care aide certification as required by this chapter and chapter [246-980](#) WAC;
 - iii. Cardiopulmonary resuscitation;
 - iv. First aid; and
 - v. HIV/AIDS training.
 - b. Disclosure statements and background checks as required in WAC [388-78A-2461](#) through [388-78A-2471](#); and
 - c. Documentation of contacting work references and professional licensing and certification boards as required by subsection (2) of this section.
 - iv. The boarding home is not required to keep on the boarding home premises, staff records that are unrelated to staff performance of duties. Such records include, but are not limited to, pay records, and health and insurance benefits for staff.

388-78A-2460 Quality assurance committee.

- (1) To ensure the proper delivery of services and the maintenance and improvement in quality of care through self-review, any boarding home licensed under this chapter may maintain a quality assurance committee that, at a minimum, includes:
 - (a) A licensed registered nurse under chapter [18.79](#) RCW;
 - (b) The administrator; and
 - (c) Three other members from the staff of the boarding home.
- (2) When established, the quality assurance committee shall meet at least quarterly to identify issues that may adversely affect quality of care and services to residents and to develop and implement plans of action to correct identified quality concerns or deficiencies in the quality of care provided to residents.
- (3) To promote quality of care through self-review without the fear of reprisal, and to enhance the objectivity of the review process, the department shall not require, and the long-term care ombudsman program shall not request, disclosure of any quality assurance committee records or reports, unless the disclosure is related to the committee's compliance with this section, if:
 - (a) The records or reports are not maintained pursuant to statutory or regulatory mandate; and
 - (b) The records or reports are created for and collected and maintained by the committee.
- (4) If the boarding home refuses to release records or reports that would otherwise be protected under this section, the department may then request only that information that is necessary to determine whether the boarding home has a quality assurance committee and to determine that it is operating in compliance with this section. However, if the boarding home offers the department documents generated by, or for, the quality assurance committee as evidence of compliance with boarding home requirements, the documents are not protected as quality assurance committee documents when in the possession of the department.
- (5) Good faith attempts by the committee to identify and correct quality deficiencies shall not be used as a basis for sanctions.
- (6) Any records that are created for and collected and maintained by the quality assurance committee shall not be discoverable or admitted into evidence in a civil action brought against a boarding home.
- (7) Notwithstanding any records created for the quality assurance committee, the facility shall fully set forth in the resident's records, available to the resident, the department, and others as permitted by law, the facts concerning any incident of injury or loss to the resident, the steps taken by the facility to address the resident's needs, and the resident outcome.

388-78A-2461 Background check - General.

Background checks conducted by the department and required in this chapter include but are not limited to:

- (1) Washington state background checks including;
 - (a) Department and department of health findings;

- (b) Criminal background check information from the Washington state patrol and the Washington state courts;
- (2) After January 1, 2012, a national fingerprint-based check in accordance with RCW [74.39A.055](#).
- (3) Nothing in this chapter should be interpreted as requiring the employment of a person against the better judgment of the boarding home.
- (4) In addition to chapter [18.20](#) RCW, these rules are authorized by RCW [43.20A.710](#), RCW [43.43.830](#) through [43.43.842](#) and RCW [74.39A.050](#)(8).

388-78A-2462 Background check – Washington state – Who is required to have.

- (1) Applicants, as defined in WAC [388-78A-2740](#), are required to have a Washington state background check before licensure.
- (2) After January 1, 2012, a national fingerprint-based check in accordance with RCW [74.39A.055](#).
 - (a) Caregivers, including volunteers who are not residents, and students who may have unsupervised access to residents;
 - (b) Administrators;
 - (c) Licensee;
 - (d) Staff persons;
 - (e) Managers; and
 - (f) Contractors who may have unsupervised access to residents.

388-78A-2463 Background check – National fingerprint checks – Who is required to have.

- (1) After January 1, 2012, applicants for a boarding home license must have a background check that includes a national fingerprint-based background check.
- (2) The boarding home must ensure that all caregivers hired after January 1, 2012 have a background check that includes a national fingerprint-based background check.
- (3) For the purpose of this section, the term “caregiver” has the same meaning as the term “long-term care worker” as defined in RCW [74.39A.009](#).

388-78A-2464 Background check - Process.

- (1) Before the boarding home employs, directly or by contract, an administrator, staff person or caregiver, or accepts as a caregiver, any volunteer who is not a resident, or student, the home must:
 - (a) Require the person to complete a DSHS background authorization form; and
 - (b) Send the completed form to the department's background check central unit (BCCU), including any additional documentation and information requested by the department.
- (2) For purposes of this section, the administrator is presumed to provide direct care.

388-78A-2465 Background check - Results.

- (1) The boarding home must not allow the persons listed in WAC 388-78A-2462(2) to have unsupervised access to residents until the boarding home receives background check results from the department verifying that the person does not have any convictions, or findings described in WAC 388-78A-2470.
- (2) If the background check results show that the person has a conviction or finding that is not disqualifying under WAC 388-78A-2470, then the boarding home must determine whether the person has the character, suitability and competence to work with vulnerable adults in long-term care.
- (3) The boarding home must:
 - (a) Inform the person of the results of the background check;
 - (b) Inform the person that they may request a copy of the results of the background check. If requested, a copy of the background check results must be provided within ten days of the request; and
 - (c) Notify the department and other appropriate licensing or certification agency of any person resigning or terminated as a result of having a conviction record.

388-78A-2466 Background check – Valid for two years.

- (1) A new DSHS background authorization form is submitted to BCCU every two years for individuals listed in WAC 388-78A-2462; and
- (2) There is a valid Washington state background check for all individuals listed in WAC 388-78A-2462.

388-78A-2467 Background check – Sharing by health care facilities.

In accordance with RCW 43.43.832 a health care facility may share Washington state background check results with other health care facilities under certain circumstances. Results of the national fingerprint checks may not be shared. For the purposes of this section health care facility means a nursing home licensed under chapter 18.51 RCW, a boarding home license under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

- (1) The health care facility may, upon request from another health care facility, share completed Washington state background check results only if:
 - (a) The health care facility sharing the background check information is reasonably known to be the person's most recent employer;
 - (b) No more than twelve months has elapsed between the date the individual was last employed at a licensed health care facility and the date of the individual's current employment application;
 - (c) The background check is no more than two years old; and
 - (d) The boarding home has no reason to believe the individual has or may have a disqualifying conviction or finding as described in WAC 388-78A-2470.
- (2) The boarding home may also establish, maintain and follow a written agreement with home health, hospice, or home care agencies licensed under chapter 70.127 RCW or nursing pools registered under chapter 18.52C RCW in order to ensure that the agency or pool staff meet the requirements of WAC 388-78A-2470.

388-78A-2468 Background check – Conditional hire – Pending results.

The boarding home may conditionally hire an individual described in WAC [388-78A-2462](#), directly or by contract, pending the result of a background check, provided that the boarding home:

- (1) Submits the background authorization form for the individual to the department no later than one business day after the individual starts working;
- (2) Requires the individual to sign a disclosure statement, and the individual denies having been convicted of a disqualifying crime or have a disqualifying finding under WAC [388-78A-2470](#);
- (3) Has received three positive references for the individual;
- (4) Does not allow the individual to have unsupervised access to any resident;
- (5) Ensures direct supervision, of the individual, as defined in RCW [18.20.270](#); and
- (6) Ensures that the person is competent, and receives the necessary training to perform assigned tasks.

388-78A-2469 Background check – Disclosure statement.

- (1) Prior to first starting his or her duties, the boarding home must require each individual described in WAC [388-78A-2462](#) to make disclosures, consistent with RCW [43.43.834](#)(2). The disclosures must be in writing and signed by the individual under penalty of perjury.
- (2) The department may require the boarding home or any individual described in WAC [388-78A-2462](#) to complete additional disclosure statements or background authorization forms if the department has reason to believe that offenses specified in WAC [388-78A-2470](#) have occurred since completion of the previous disclosure statement or background check.

388-78A-2470 Background checks – Employment-disqualifying information.

The boarding home must not allow an individual described in WAC [388-78A-2462](#) to have unsupervised access to residents, as defined in RCW [43.43.830](#), if the individual has been:

- (1) Convicted of a "crime against children or other persons" as defined in RCW [43.43.830](#), unless the crime is simple assault, assault in the fourth degree, or prostitution and more than three years has passed since the last conviction;
- (2) Convicted of "crimes relating to financial exploitation" as defined in RCW [43.43.830](#), unless the crime is theft in the third degree, and more than three years have passed since conviction, or unless the crime is forgery or theft in the second degree and more than five years has passed since conviction;
- (3) Convicted of:
 - a. Violation of the Imitation Controlled Substances Act (VICSA);
 - b. Violation of the Uniform Controlled Substances Act (VUCSA);
 - c. Violation of the Uniform Legend Drug Act (VULDA); or
 - d. Violation of the Uniform Precursor Drug Act (VUPDA);
- (4) Convicted of sending or bringing into the state depictions of a minor engaged in sexually explicit conduct;
- (5) Convicted of criminal mistreatment;

- (6) Convicted of a crime in federal court or in any other state, and the department determines that the crime is equivalent to a crime described in this subsection;
- (7) Found to have abused, neglected, financially exploited or abandoned a minor or vulnerable adult by a court of law or a disciplining authority, including the department of health;
- (8) Found to have abused or neglected a child and that finding is:
 - a. Listed on the department's background check central unit (BCCU) report; or
 - b. Disclosed by the individual, except for finding made before December, 1998.
- (9) Found to have abused, neglected, financially exploited or abandoned a vulnerable adult and that finding is:
 - a. Listed on any registry, including the department's registry;
 - b. Listed on the department's background check central unit (BCCU) report; or
 - c. Disclosed by the individual, except for adult protective services findings made before October, 2003.

388-78A-2471 Background checks – Confidentiality – Use restricted - Retention.

The boarding home must ensure that all disclosure statements, background authorization forms, background check results and related information are:

- (1) Maintained on-site in a confidential and secure manner;
- (2) Used for employment purposes only;
- (3) Not disclosed to anyone except to the individual, authorized state and federal employees, the Washington state patrol auditor, persons or health care facilities authorized by chapter [43.43](#) RCW; and
- (4) Retained and available for department review during the individual's employment or association with a facility and for at least two years after termination of the employment or association.

388-78A-2474 Training and home care aide certification.

- (1) The boarding home must ensure staff persons hired before January 1, 2011 meet training requirements in effect on the date hired, including requirements in chapter [388-112](#) WAC.
- (2) The boarding home must ensure all boarding home administrators, or their designees, and caregivers hired on or after January 1, 2011 meet the long-term care worker training requirements of chapter [388-112](#) WAC, including but not limited to:
 - (a) Orientation and safety;
 - (b) Basic;
 - (c) Specialty for dementia, mental illness and /or developmental disabilities when serving residents with any of those primary special needs;
 - (d) Cardiopulmonary resuscitation and first aid; and
 - (e) Continuing education.
- (3) The boarding home must ensure all persons listed in subsection (2) of this section, obtain the home-care aide certification required by chapter [246-980](#) WAC.

- (4) Under RCW [18.88B.040](#) and chapter [246-980](#) WAC, certain persons including registered nurses, licensed practical nurses, certified nursing assistants, or persons who are in an approved certified nursing assistant program are exempt from long-term care worker training requirements.
- (5) For the purpose of this section, the term "caregiver" has the same meaning as the term "long-term care worker" as defined in RCW [74.39A.009](#).

388-78A-2480 Tuberculosis – Testing - Required.

- (1) The boarding home must develop and implement a system to ensure each staff person is screened for tuberculosis within three days of employment.
- (2) For purposes of WAC [388-78A-2481](#) through [388-78A-2489](#), "staff person" means any boarding home employee or temporary employee of the boarding home, excluding volunteers and contractors.

388-78A-2481 Tuberculosis – Testing method - Required.

The boarding home must ensure that all tuberculosis testing is done through either:

- (1) Intradermal (Mantoux) administration with test results read:
 - (a) Within forty-eight to seventy-two hours of the test; and
 - (b) By a trained professional; or
- (2) A blood test for tuberculosis called interferon-gamma release assay (IGRA).

388-78A-2482 Tuberculosis – No Testing.

The boarding home is not required to have a staff person tested for tuberculosis if the staff person has:

- (1) A documented history of a previous positive skin test, with ten or more millimeters induration;
- (2) A documented history of a previous positive blood test; or
- (3) Documented evidence of:
 - a. Adequate therapy for active disease; or
 - b. Completion of treatment for latent tuberculosis infection preventive therapy.

388-78A-2483 Tuberculosis – One Test.

The boarding home is only required to have a staff person take one test if the staff person has any of the following:

- (1) A documented history of a negative result from a previous two step skin test done no more than one to three weeks apart; or
- (2) A documented negative result from one skin or blood test in the previous twelve months.

388-78A-2484 Tuberculosis – Two step skin testing.

Unless the staff person meets the requirement for having no skin testing or only one test, the boarding home choosing to do skin testing, must ensure that each staff person has the following two-step skin testing:

- (1) An initial skin test within three days of employment; and
- (2) A second test done one to three weeks after the first test.

388-78A-2485 Tuberculosis – Positive test result.

When there is a positive result to tuberculosis skin or blood testing the boarding home must:

- (1) Ensure that the staff person has a chest X-ray within seven days;
- (2) Ensure each resident or staff person with a positive test result is evaluated for signs and symptoms of tuberculosis; and
- (3) Follow the recommendation of the resident or staff person's health care provider.

388-78A-2486 Tuberculosis – Negative test result.

The boarding home may be required by the public health provider or licensing authority to ensure that staff persons with negative test results have follow-up testing in certain circumstances, such as:

- (1) After exposure to active tuberculosis;
- (2) When tuberculosis symptoms are present; or
- (3) For periodic testing as determined by the public health provider.

388-78A-2487 Tuberculosis – Declining a skin test.

The boarding home must ensure that a staff person take the blood test for tuberculosis if they decline the skin test.

388-78A-2488 Tuberculosis – Reporting - Required.

The boarding home must:

- (1) Report any staff person or resident with tuberculosis symptoms or a positive chest X ray to the appropriate health care provider, or public health provider;
- (2) Follow the infection control and safety measures ordered by the staff person's health care provider including a public health provider;
- (3) Institute appropriate infection control measures;
- (4) Apply living or work restrictions where residents or staff persons are, or may be, infectious and pose a risk to other residents and staff persons; and
- (5) Ensure that staff person's caring for a resident with suspected tuberculosis comply with the WISHA standard for respiratory protection found in chapter [296-842](#) WAC.

388-78A-2489 Tuberculosis – Test Records.

The boarding home must:

- (1) Keep the records of tuberculin test results, reports of X-ray findings, and any physician or public health provider orders in the boarding home;
- (2) Make the records readily available to the appropriate health provider and licensing agency;
- (3) Retain the records for at least two years after the date the staff person either quits or is terminated; and
- (4) Provide the staff person a copy of his/her test results.

388-78A-2490 Specialized training for developmental disabilities.

The boarding home must ensure completion of specialized training, consistent with chapter [388-112](#) WAC, to serve residents with developmental disabilities, whenever at least one of the residents in the boarding home has a developmental disability as defined in WAC [388-823-0040](#), that is the resident's primary special need.

388-78A-2500 Specialized training for mental illness.

The boarding home must ensure completion of specialized training, consistent with chapter [388-112](#) WAC, to serve residents with mental illness, whenever at least one of the residents in the boarding home has a mental illness that is the resident's primary special need and is a person who has been diagnosed with or treated for an Axis I or Axis II diagnosis, as described in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision, and:

- (1) Who has received the diagnosis or treatment within the previous two years; and
- (2) Whose diagnosis was made by, or treatment provided by, one of the following:
 - (a) A licensed physician;
 - (b) A mental health professional;
 - (c) A psychiatric advanced registered nurse practitioner; or
 - (d) A licensed psychologist.

388-78A-2510 Specialized training for dementia.

The boarding home must ensure completion of specialized training, consistent with chapter [388-112](#) WAC, to serve residents with dementia, whenever at least one of the residents in the boarding home has a dementia that is the resident's primary special need and has symptoms consistent with dementia as assessed per WAC [388-78A-2090](#)(7).

388-78A-2520 Administrator qualifications - General.

- (1) The licensee must appoint an administrator who is:
 - (a) At least twenty-one years old
 - (b) Not a resident of the boarding home; and
 - (c) Qualified to perform the administrator's duties specified in WAC [388-78A-2560](#).

- (2) The licensee must only appoint as a boarding home administrator an individual who meets the requirements of at least one of the following sections in WAC [388-78A-2522](#) through [388-78A-2527](#).

388-78A-2521 Certification of training.

As used in WAC [388-78A-2522](#) through [388-78A-2527](#), an individual obtains certification of training as follows. The individual has certification of completing a recognized administrator training course that consists of a minimum of twenty-four hours of instruction or equivalent online training, or certification of passing an administrator examination from or endorsed by a department-recognized national accreditation health or personal care organization such as:

- (1) The American association of homes and services for the aging;
- (2) The American college of health care administrators;
- (3) The American health care association;
- (4) The assisted living federation of America; or
- (5) The national association of board examiners of long term care administrators.

388-78A-2522 Administrator qualifications – Prior to 2004.

The individual was actively employed as a boarding home administrator and met existing qualifications on September 1, 2004.

388-78A-2523 Administrator qualifications – NH administrator license.

The individual holds a current Washington state nursing home administrator license in good standing.

388-78A-2524 Administrator qualifications –Certification of training, and three years experience.

Prior to assuming duties as a boarding home administrator, the individual has met the following qualifications:

- (1) Obtains certification of completing a recognized administrator training course as referenced in WAC [388-78A-2521](#); and
- (2) Has three years paid experience:
 - a. Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or
 - b. Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

388-78A-2525 Administrator qualifications – Associate degree, certification of training, and two years experience.

The individual holds an associate degree in a related field of study such as health, social work, or business administration and meets the qualifications listed in either subsection (1), (2) or (3) of this section:

- (1) Obtains certification of completing a recognized administrator training course as referenced in WAC [388-78A-2521](#) within six months of beginning duties as the administrator; or
- (2) Has two years paid experience:
 - a. Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or
 - b. Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; or
- (3) Has completed a qualifying administrator training program supervised by a qualified administrator according to [WAC 388-78A-2530](#).

388-78A-2526 Administrator qualifications – Bachelor’s degree, certification of training, and one year experience.

The individual holds a bachelor’s degree in a related field of study such as health, social work, or business administration and meets the qualifications listed in either subsection (1), (2) or (3) of this section:

- (1) Obtains certification of completing a recognized administrator training course as referenced in WAC [388-78A-2521](#) within six months of beginning duties as the administrator; or
- (2) Has one year paid experience:
 - (a) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or
 - (b) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.
- (3) Has completed a qualifying administrator training program supervised by a qualified administrator according to [WAC 388-78A-2530](#).

388-78A-2527 Administrator qualifications – Five years experience.

Before assuming duties as an administrator, the individual has five years of paid experience:

Has one year paid experience:

- (1) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or
- (2) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

388-78A-2530 Qualifying administrator training program.

Before the licensee appoints an individual who must have completed a qualifying administrator training program in order to qualify as a boarding home administrator, the licensee must verify the individual has completed the training and obtain documentation from the individual that the training program met the following requirements:

- (1) The department was notified of the beginning date of the administrator training program;
- (2) The administrator training program was at least six months in duration following notification of the department;
- (3) Only training, supervision, and experience occurring following notification of the department were credited to the qualifying training;
- (4) The supervising administrator met the qualifications to be an administrator specified in WAC [388-78A-2520](#);
- (5) The trainee was a full-time employee of a boarding home and spent at least forty percent of his/her time for six months of the training program performing administrative duties customarily assigned to boarding home administrators or included in the job description of the administrator for the boarding home in which the training occurred;
- (6) The supervising administrator was present on-site at the boarding home during the time the trainee performed administrator duties;
- (7) The supervising administrator spent a minimum of one hundred direct contact hours with the trainee during the six months supervising and consulting with the trainee;
- (8) Both the trainee and supervising administrator signed documentation of the trainee's qualifying experience and the supervising administrator's performance of required oversight duties; and
- (9) The individual completing the qualifying administrator training program maintains the documentation of completing the program.

388-78A-2540 Administrator training requirements.

The licensee must ensure the boarding home administrator:

- (1) Meets the training requirements of chapter [388-112](#) WAC; and
- (2) Knows and understands how to apply Washington state statutes and administrative rules related to the operation of a boarding home; and

- (3) Meets administrator qualification requirements reference in WAC [388-78A-2820](#) through [388-78A-2527](#).

388-78A-2550 Administrator training documentation.

The boarding home must maintain for department review, documentation of the administrator completing:

- i. Training required per chapter [388-112](#) WAC;
- ii. Department training in an overview of Washington state statutes and administrative rules related to the operation of a boarding home;
- iii. As applicable, certification from a department-recognized national accreditation health or personal care organization; and
- iv. As applicable, the qualifying administrator-training program.

388-78A-2560 Administrator responsibilities.

The licensee must ensure the administrator:

- (1) Directs and supervises the overall twenty-four-hour-per-day operation of the boarding home;
- (2) Ensures residents receive adequate care and services that meet the standards of this chapter;
- (3) Is readily accessible to meet with residents;
- (4) Complies with the boarding home's policies;
- (5) When the administrator is not available on the premises, either:
 - a. Is available by telephone or electronic pager; or
 - b. Designates a person approved by the licensee to act in place of the administrator. The designee must be:
 - i. Qualified by experience to assume designated duties; and
 - ii. Authorized to make necessary decisions and direct operations of the boarding home during the administrator's absence.

388-78A-2570 Notification of change in administrator.

The licensee must notify the department in writing within ten calendar days of the effective date of a change in the boarding home administrator. The notice must include the full name of the new administrator and the effective date of the change.

388-78A-2580 Use of home health/home care.

If a boarding home licensee also has a home health or home care license, the licensee may not provide care or services to nonresident individuals living in independent living units on the boarding home premises under the home health or home care license if:

- (1) The licensee assumes general responsibility for the safety and well-being of the individual;

- (2) The individual requiring such services is not able to receive them in his or her own home and is required to move to another room as a condition for receiving such services;
- (3) The individual receiving such services is required to receive them from the licensee as a condition for residing in the building, and is not free to receive such services from any appropriately licensed provider of his or her choice; or
- (4) The licensee provides other care or services to the individual that falls under the jurisdiction of boarding home licensing and this chapter.

388-78A-2590 Management agreements - General.

- (1) If the proposed or current licensee uses a manager, the licensee must have a written management agreement approved by the department that is consistent with this chapter.
- (2) The proposed or current licensee must notify the department of its use of a manager upon:
 - a. Initial application for license;
 - b. Retention of a manager following initial application;
 - c. Change of managers; and
 - d. Modification of existing management agreement.
- (3) The proposed or current licensee must provide a written management agreement, including an organizational chart showing the relationship between the proposed or current licensee, management company, and all related organizations.
- (4) The written management agreement must be submitted:
 - a. Sixty days before:
 - i. The initial licensure date;
 - ii. The proposed change of ownership date; or
 - iii. The effective date of the management agreement; or
 - b. Thirty days before the effective date of any amendment to an existing management agreement.
- (5) The proposed licensee or the current licensee must notify the resident and their representatives sixty days before entering into a management agreement.

388-78A-2592 Management agreements - License.

- (1) The licensee is responsible for:
 - (a) The daily operations and provisions of services in the boarding home (see [388-78A-2730](#) (1)(a)); Retention of a manager following initial application;
 - (b) Ensuring the boarding home is operated in a manner consistent with all laws and rules applicable to boarding homes (see [388-78A-2730](#) (1)(b));
 - (c) Ensuring the manager acts in conformance with a department approved management agreement; and
 - (d) Ensuring the manager does not represent itself as, or give the appearance that it is the licensee.
- (2) The licensee must not give the manager responsibilities that are so extensive that the licensee is relieved of daily responsibility for the daily operations and provision of

- services in the boarding home. If the licensee does so, then the department must determine that a change of ownership has occurred.
- (3) The licensee and manager must act in accordance with the terms of the department-approved management agreements. If the department determines they are not, then the department may take licensing action.
 - (4) The licensee may enter into a management agreement only if the management agreement creates a principal/agent relationship between the licensee and manager.

388-78A-2593 Management agreements – Terms of agreement.

Management agreements, at a minimum must:

- (1) Describe the responsibilities of the licensee and manager, including items, services, and activities to be provided;
- (2) Require the licensee's governing body, board of directors, or similar authority to appoint the facility administrator;
- (3) Provide for the maintenance and retention of all records in accordance with this chapter and other applicable laws
- (4) Allow unlimited access by the department to documentation and records according to applicable laws or regulations;
- (5) Require the manager to immediately send copies of inspections and notices of noncompliance to the licensee;
- (6) State that the licensee is responsible for reviewing, acknowledging and signing all boarding home initial and renewal license applications;
- (7) State that the manager and licensee will review the management agreement annually and notify the department of any change according to applicable regulations;
- (8) Acknowledge that the licensee is the party responsible for complying with all laws and rules applicable to boarding homes;
- (9) Require the licensee to maintain ultimate responsibility over personnel issues relating to the operation of the boarding home and care of the residents, including but not limited to, staffing plans, orientation and training;
- (10) State the manager will not represent itself, or give the appearance it is the licensee; and
- (11) State that a duly authorized manager may execute resident leases or agreements on behalf of the licensee, but all such resident leases or agreements must be between the licensee and the resident.

388-78A-2594 Management agreements – Department review.

Upon receipt of a proposed management agreement, the department may require:

- (1) The proposed or current licensee or manager to provide additional information or clarification;
- (2) Any changes necessary to:
 - a. Bring the management agreement into compliance with this chapter; and
 - b. Ensure that the licensee has not been relieved of the responsibility for the daily operations of the facility.
- (3) The licensee to participate in monthly meetings and quarterly on-site visits to the boarding home.

388-78A-2595 Management agreements – Resident funds.

- (1) If the management agreement delegates day-to-day management of resident funds to the manager, the licensee:
 - (a) Retains all fiduciary and custodial responsibility for funds that have been deposited with the boarding home by the resident;
 - (b) Is directly accountable to the residents for such funds; and
 - (c) Must ensure any party responsible for holding or managing residents' personal funds is bonded or obtains insurance in sufficient amounts to specifically cover losses of resident funds; and provides proof of bond or insurance.
- (2) If responsibilities for the day-to-day management of the resident funds are delegated to the manager, the manager must:
 - (a) Provide the licensee with a monthly accounting of the resident funds; and
 - (b) Meet all legal requirements related to holding, and accounting for, resident funds.

388-78A-2600 Policies and procedures.

- (1) The boarding home must develop and implement policies and procedures in support of services that are provided and are necessary to:
 - a. Maintain or enhance the quality of life for residents including resident decision-making rights;
 - b. Provide the necessary care and services for residents, including those with special needs;
 - c. Safely operate the boarding home; and
 - d. Operate in compliance with state and federal law, including, but not limited to, chapters [7.70](#), [11.88](#), [11.92](#), [11.94](#), [69.41](#), [70.122](#), [70.129](#), and [74.34](#) RCW, and any rules promulgated under these statutes.
- (2) The boarding home must develop, implement and train staff persons on policies and procedures to address what staff persons must do:
 - a. Related to suspected abandonment, abuse, neglect, exploitation, or financial exploitation of any resident;
 - b. When there is reason to believe a resident is not capable of making necessary decisions and no substitute decision maker is available;
 - c. When a substitute decision maker is no longer appropriate;
 - d. When a resident stops breathing or a resident's heart appears to stop beating, including, but not limited to, any action staff persons must take related to advance directives and emergency care;
 - e. When a resident does not have a personal physician or health care provider;
 - f. In response to medical emergencies;
 - g. When there are urgent situations in the boarding home requiring additional staff support;
 - h. In the event of an internal or external disaster, consistent with WAC [388-78A-2700](#);
 - i. To supervise and monitor residents, including accounting for residents who leave the premises;

- j. To appropriately respond to aggressive or assaultive residents, including, but not limited to:
 - i. Actions to take if a resident becomes violent;
 - ii. Actions to take to protect other residents; and
 - iii. When and how to seek outside intervention.
 - k. To prevent and limit the spread of infections consistent with WAC [388-78A-2610](#);
 - l. To manage residents' medications, consistent with WAC [388-78A-2210](#) through [388-78A-2290](#); sending medications with a resident when the resident leaves the premises;
 - m. When services related to medications and treatments are provided under the delegation of a registered nurse consistent with chapter [246-840](#) WAC;
 - n. Related to food services consistent with chapter [246-215](#) WAC and WAC [388-78A-2300](#);
 - o. Regarding the safe operation of any boarding home vehicles used to transport residents, and the qualifications of the drivers;
 - p. To coordinate services and share resident information with outside resources, consistent with WAC [388-78A-2350](#);
 - q. Regarding the management of pets in the boarding home, if permitted, consistent with WAC [388-78A-2620](#);
 - r. When receiving and responding to resident grievances consistent with RCW [70.129.060](#); and
 - s. Related to providing respite care services consistent with RCW [18.20.350](#), if respite care is offered.
- (3) The boarding home must make the policies and procedures specified in subsection (2) of this section available to staff persons at all times and must inform residents and residents' representatives of their availability and make them available upon request.

388-78A-2610 Infection control.

- (1) The boarding home must institute appropriate infection control practices in the boarding home to prevent and limit the spread of infections.
- (2) The boarding home must:
 - (a) Develop and implement a system to identify and manage infections;
 - (b) Restrict a staff person's contact with residents when the staff person has a known communicable disease in the infectious stage that is likely to be spread in the boarding home setting or by casual contact;
 - (c) Provide staff persons with the necessary supplies, equipment and protective clothing for preventing and controlling the spread of infections;
 - (d) Provide all resident care and services according to current acceptable standards for infection control;
 - (e) Perform all housekeeping, cleaning, laundry, and management of infectious waste according to current acceptable standards for infection control;
 - (f) Report communicable diseases in accordance with the requirements in chapter [246-100](#) WAC.

388-78A-2620 Pets.

If a boarding home allows pets to live on the premises, the boarding home must:

- (1) Develop, implement and disclose to potential and current residents, policies regarding:
 - a. The types of pets that are permitted in the boarding home; and
 - b. The conditions under which pets may be in the boarding home.
- (2) Ensure animals living on the boarding home premises:
 - a. Have regular examinations and immunizations, appropriate for the species, by a veterinarian licensed in Washington state;
 - b. Are certified by a veterinarian to be free of diseases transmittable to humans;
 - c. Are restricted from central food preparation areas.

388-78A-2630 Reporting abuse and neglect.

- (1) The boarding home must ensure that each staff person:
 - (a) Makes a report to the department's Aging and Disability Services Administration Complaint Resolution Unit hotline consistent with chapter [74.34](#) RCW in all cases where the staff person has reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred; and
 - (b) Makes an immediate report to the appropriate law enforcement agency and the department consistent with chapter [74.34](#) RCW of all incidents of suspected sexual abuse or physical abuse of a resident.
- (2) The boarding home must prominently post so it is readily visible to staff, residents and visitors, the department's toll-free telephone number for reporting resident abuse and neglect.

388-78A-2640 Reporting significant change in a resident's condition.

- (1) The boarding home must consult with the resident's representative, the resident's physician, and other individual(s) designated by the resident as soon as possible whenever:
 - a. There is a significant change in the resident's condition;
 - b. The resident is relocated to a hospital or other health care facility; or
 - c. The resident dies.
- (2) The boarding home must notify any agency responsible for paying for the resident's care and services as soon as possible whenever:
 - a. The resident is relocated to a hospital or other health care facility; or
 - b. The resident dies.
- (3) Whenever the conditions in subsection (1) or (2) of this section occur, the boarding home must document in the resident's records:
 - a. The date and time each individual was contacted; and
 - b. The individual's relationship to the resident.
- (4) In case of a resident's death, the boarding home must notify the coroner if required by RCW [68.50.010](#).

388-78A-2650 Reporting fires and incidents.

The boarding home must immediately report to the department's aging and disability services administration:

- (1) Any accidental or unintended fire, or any deliberately set but improper fire, such as arson, in the boarding home;
- (2) Any unusual incident that required implementation of the boarding home's disaster plan, including any evacuation of all or part of the residents to another area of the boarding home or to another address; and
- (3) Circumstances which threaten the boarding home's ability to ensure continuation of services to residents.

388-78A-2660 Resident rights.

The boarding home must:

- (1) Comply with chapter [70.129](#) RCW, Long-term care resident rights;
- (2) Ensure all staff persons provide care and services to each resident consistent with chapter [70.129](#) RCW;
- (3) Not use restraints on any resident;
- (4) Promote and protect the residents' exercise of all rights granted under chapter [70.129](#) RCW;
- (5) Provide care and services to each resident in compliance with applicable state statutes related to substitute health care decision making, including chapters [7.70](#), [70.122](#), [11.88](#), [11.92](#), and [11.94](#) RCW;
- (6) Reasonably accommodate residents consistent with applicable state and/or federal law; and
- (7) Not allow any staff person to abuse or neglect any resident.

388-78A-2665 Resident rights – Notice – Policy on accepting Medicaid as payment source.

The boarding home must fully disclose the facility's policy on accepting medicaid payments.

The policy must:

- (1) Be provided both orally and in writing in a language that the resident understands;
- (2) Clearly state the circumstances under which the boarding home provides care for medicaid eligible residents and for residents who become eligible for medicaid after admission;
- (3) Be provided to prospective residents, before they are admitted to the home;
- (4) Be provided to any current residents who were admitted before this requirement took effect or who did not receive copies prior to admission;
- (5) Be written on a page that is separate from other documents and be written in a type font that is at least fourteen point; and
- (6) Be signed and dated by the resident and be kept in the resident record after signature.

388-78A-2670 Services by resident for boarding home.

If a resident performs services for the boarding home, the boarding home must ensure:

- (1) The resident freely volunteers to perform the services without coercion or pressure from staff persons;
- (2) The resident performing services does not supervise, or is not placed in charge of, other residents; and
- (3) If the resident regularly performs voluntary services for the benefit of the boarding home, the volunteer activity is addressed in the resident's negotiated service agreement.

388-78A-2680 Electronic monitoring equipment — Audio monitoring and video monitoring.

- (1) Except as provided in this section or in WAC [388-78A-2690](#), the boarding home must not use the following in the facility or on the premises:
 - (a) Audio monitoring equipment; or
 - (b) Video monitoring equipment if it includes an audio component.
- (2) The boarding home may video monitor and video record activities in the facility or on the premises, without an audio component, only in the following areas:
 - (a) Entrances and exits as long as the cameras are:
 - i. Focused only on the entrance or exit doorways; and
 - ii. Not focused on areas where residents gather.
 - (b) Areas used exclusively by staff persons such as, medication preparation and storage areas or food preparation areas, if residents do not go into these areas;
 - (c) Outdoor areas not commonly used by residents, such as, but not limited to, delivery areas; and
 - (d) Designated smoking areas, subject to the following conditions:
 - i. Residents have been assessed as needing supervision for smoking;
 - ii. A staff person watches the video monitor at any time the area is used by such residents;
 - iii. The video camera is clearly visible;
 - iv. The video monitor is not viewable by general public; and
 - v. The facility notifies all residents in writing of the use of video monitoring equipment.

388-78A-2690 Electronic monitoring equipment — Resident requested use.

- (1) The boarding home must not use audio or video monitoring equipment to monitor any resident unless:
 - (a) The resident has requested the monitoring; and
 - (b) The monitoring is only used in the sleeping room of the resident who requested the monitoring.
- (2) If the resident requests audio or video monitoring, before any electronic monitoring occurs, the boarding home must ensure:
 - (a) That the electronic monitoring does not violate chapter [9.73](#) RCW;

- (b) The resident has identified a threat to the resident's health, safety or personal property;
 - (c) The resident's roommate has provided written consent to electronic monitoring, if the resident has a roommate; and
 - (d) The resident and the boarding home have agreed upon a specific duration for the electronic monitoring and the agreement is documented in writing.
- (3) The boarding home must:
- (a) Reevaluate the need for the electronic monitoring with the resident at least quarterly; and
 - (b) Have each reevaluation in writing, signed and dated by the resident.
- (4) The boarding home must immediately stop electronic monitoring if the:
- (a) Resident no longer wants electronic monitoring;
 - (b) Roommate objects or withdraws the consent to the electronic monitoring; or
 - (c) The resident becomes unable to give consent.
- (5) For the purpose of consenting to video electronic monitoring without an audio component, the term "resident" includes the resident's surrogate decision maker.
- (6) For the purposes of consenting to any audio electronic monitoring, the term "resident" includes:
- (a) The individual residing in the boarding home; or
 - (b) The resident's court-appointed guardian or attorney-in-fact who has obtained a court order specifically authorizing the court-appointed guardian or attorney-in-fact to consent to electronic monitoring of the resident.
- (7) If a resident's decision maker consents to audio electronic monitoring as specified in (6) above, the boarding home must maintain a copy of the court order authorizing such consent in the resident's record.

388-78A-2700 Safety measures and disaster preparedness.

- (1) The boarding home must take necessary action to promote the safety of each resident whenever the resident is on the boarding home premises or under the supervision of staff persons, consistent with the resident's negotiated service agreement.
- (2) The boarding home must:
- (a) Maintain the premises free of hazards;
 - (b) Maintain any vehicles used for transporting residents in a safe condition;
 - (c) Investigate and document investigative actions and findings for any alleged or suspected neglect or abuse or exploitation, accident or incident jeopardizing or affecting a resident's health or life. The boarding home must:
 - (i) Determine the circumstances of the event;
 - (ii) When necessary, institute and document appropriate measures to prevent similar future situations if the alleged incident is substantiated; and
 - (iii) Protect other residents during the course of the investigation.
 - (d) Provide appropriate hardware on doors of storage rooms, closets and other rooms to prevent residents from being accidentally locked in;
 - (e) Provide, and tell staff persons of, a means of emergency access to resident-occupied bedrooms, toilet rooms, bathing rooms, and other rooms;

- (f) Provide emergency lighting or flashlights in all areas of the boarding home. For all boarding homes first issued a project number by construction review services on or after September 1, 2004 for construction related to this section, the boarding home must provide emergency lighting in all areas of the boarding home;
- (g) Make sure first-aid supplies are:
 - i. Readily available and not locked;
 - ii. Clearly marked;
 - iii. Able to be moved to the location where needed; and
 - iv. Stored in containers that protect them from damage, deterioration, or contamination.
- (h) Make sure first-aid supplies are appropriate for:
 - i. The size of the boarding home;
 - ii. The services provided;
 - iii. The residents served; and
 - iv. The response time of emergency medical services.
- (i) Develop and maintain a current disaster plan describing measures to take in the event of internal or external disasters, including, but not limited to:
 - i. On-duty staff persons' responsibilities;
 - ii. Provisions for summoning emergency assistance;
 - iii. Plans for evacuating residents from area or building;
 - iv. Alternative resident accommodations;
 - v. Provisions for essential resident needs, supplies and equipment including water, food, and medications; and
 - vi. Emergency communication plan.

388-78A-2710 Disclosure of services.

- (1) The boarding home must disclose to residents, the resident's representative, if any, and interested consumers upon request, the scope of care and services it offers, on the department's approved disclosure forms. The disclosure form shall not be construed as an implied or express contract between the boarding home and the resident, but is intended to assist consumers in selecting boarding home services.
- (2) The boarding home must provide the services disclosed.
- (3) The boarding home must provide a minimum of thirty days written notice to the residents and the residents' representatives, if any:
 - (a) Before the effective date of any decrease in the scope of care or services provided by the boarding home, due to circumstances beyond the boarding home's control; and
 - (b) Before the effective date of any voluntary decrease in the scope of care or services provided by the boarding home, and any such decrease in the scope of services provided will not result in the discharge of one or more residents.
- (4) The boarding home must provide a minimum of ninety days written notice to the residents and the residents' representative, if any, before the effective date of any voluntary decrease in the scope of care or services provided by the boarding home, and any such decrease in the scope of services provided will result in the discharge of one or more residents.

- (5) If the boarding home increases the scope of services that it chooses to provide, the boarding home must promptly provide written notice to the residents and residents' representative, if any, and must indicate the date on which the increase in the scope of care or services is effective.
- (6) When the care needs of a resident exceed the disclosed scope of care or services that a boarding home provides, the boarding home may exceed the care or services disclosed consistent with RCW [70.129.030](#)(3) and [70.129.110](#) (3)(a).
- (7) Even though the boarding home may disclose that it can provide certain care or services to residents or prospective residents or residents' representative, if any, the boarding home may deny admission to a prospective resident when the boarding home determines that the needs of the prospective resident cannot be met, as long as the boarding home operates in compliance with state and federal law, including reasonable accommodation requirements and RCW [70.129.030](#)(3).
- (8) The boarding home must notify prospective residents of their rights regarding health care decision making consistent with applicable state and federal laws and rules, before or at the time the individual moves into the boarding home.

388-78A-2720 Timing of disclosure.

- (1)The boarding home must provide the disclosure form completed by the boarding home:
 - (a) In response to a request by a prospective resident or his or her representative, if any, for written information about the boarding home's services and capabilities; or
 - (b) At the time the boarding home provides an application for residency, an admission agreement or contract, if not previously received by the prospective resident or his or her representative, if any.
- (2)The boarding home is not required to provide the disclosure of care and services contained on the department's approved disclosure forms:
 - (a) In advertisements;
 - (b) In general marketing information to the public; or
 - (c) To persons seeking general information regarding residential care resources in the community.

388-78A-2730 Licensee's responsibilities.

- (1)The boarding home licensee is responsible for:
 - a. The operation of the boarding home;
 - b. Complying at all times with the requirements of this chapter, chapter [18.20](#) RCW, and other applicable laws and rules; and
 - c. The care and services provided to the boarding home residents.
- (2)The licensee must:
 - a. Maintain the occupancy level at or below the licensed resident bed capacity of the boarding home;
 - b. Maintain and post in a size and format that is easily read, in a conspicuous place on the boarding home premises:
 - i. A current boarding home license, including any related conditions on the license;

- ii. The name, address and telephone number of:
 1. The department;
 2. Appropriate resident advocacy groups; and
 3. The state and local long-term care ombudsman with a brief description of ombudsman services.
 - iii. A copy of the report, including the cover letter, and plan of correction of the most recent full inspection conducted by the department.
 - c. Ensure any party responsible for holding or managing residents' personal funds is bonded or obtains insurance in sufficient amounts to specifically cover losses of resident funds; and provides proof of bond or insurance to the department.
- (3)The licensee must not delegate to any person responsibilities that are so extensive that the licensee is relieved of responsibility for the daily operations and provisions of services in the boarding home.
- (4)The licensee must act in accord with any department-approved management agreement, if the licensee has entered into a management agreement.
- (5)The licensee must appoint the boarding home administrator consistent with WAC [388-78A-2520](#).

388-78A-2732 Liability insurance required - Ongoing.

The boarding home must:

- (1) Obtain liability insurance upon licensure and maintain the insurance as required in WAC [388-78A-2733](#) and [388-78A-2734](#); and
- (2) Have evidence of liability insurance coverage available if requested by the department.

388-78A-2733 Liability insurance required – Commercial general liability insurance or business insurance coverage.

The boarding home must have commercial general liability insurance or business liability insurance that includes:

- (a) Coverage for the acts and omissions of any employee and volunteer;
- (b) Coverage for bodily injury, property damage, and contractual liability;
- (c) Coverage for premises, operations, independent contractor, products-completed operations, personal injury, advertising injury, and liability assumed under an insured contract; and
- (d) Minimum limits of:
 - (a) Each occurrence at one million dollars; and
 - (b) General aggregate at two million dollars.

388-78A-2734 Liability insurance required –Professional liability insurance coverage.

The boarding home must have professional liability insurance or error and omissions insurance if the boarding home licensee has a professional license, or employs professionally licensed staff. The insurance must include:

- (1) Coverage for losses caused by errors and omissions of the boarding home, its employees, and volunteers; and
- (2) Minimum limits of:
 - a. Each occurrence at one million dollars; and
 - b. General aggregate at two million dollars.

388-78A-2740 Licensee qualifications.

The department must consider separately and jointly as applicants each person named in the application for a boarding home license.

- (1) If the department finds any person unqualified as specified in WAC [388-78A-3190](#), the department must deny, terminate, or not renew the license.
- (2) If the department finds any person unqualified as specified in WAC [388-78A-3170](#), the department may deny, terminate, or not renew the license.

388-78A-2750 Application process.

To apply for a boarding home license, a person must:

- (1) Submit to the department a complete license application on forms designated by the department at least ninety days prior to the proposed effective date of the license;
- (2) Submit all relevant attachments specified in the application;
- (3) Submit department background authorization forms as required in WAC [388-78A-2462](#) and [388-78A2463](#);
- (4) Sign the application;
- (5) Submit the license fee as specified in WAC [388-78A-3230](#);
- (6) Submit verification that construction plans have been approved by construction review services;
- (7) Submit a revised application before the license is issued if any information has changed since the initial license application was submitted;
- (8) Submit a revised application containing current information about the proposed licensee or any other persons named in the application, if a license application is pending for more than one year; and
- (9) If the licensee's agent prepares an application on the licensee's behalf, the licensee must review, sign and attest to the accuracy of the information contained in the application.

388-78A-2760 Necessary information.

In making a determination whether to issue a boarding home license, in addition to the information for each person named in the application, the department may review other documents and information the department deems relevant, including inspection and complaint investigation findings for each facility with which the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has been affiliated.

388-78A-2770 Change in licensee/change of ownership — When change in licensee is required.

The licensee of a boarding home must change whenever the following events occur, including, but not limited to:

- (1) The licensee's form of legal organization is changed (e.g., a sole proprietor forms a partnership or corporation);
- (2) The licensee transfers ownership of the boarding home business enterprise to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the boarding home is also transferred;
- (3) The licensee dissolves, or consolidates or merges with another legal organization and the licensee's legal organization does not survive;
- (4) If, during any continuous twenty-four-month period, fifty percent or more of the **"licensed entity"** is transferred, whether by a single transaction or multiple transactions, to:
 - a. A different person (e.g., new or former shareholders or partners); or
 - b. A person that had less than a five percent ownership interest in the boarding home at the time of the first transaction.
- (5) Any other event or combination of events that results in a substitution, elimination, or withdrawal of the licensee's control of the boarding home. As used in this section, "control" means the possession, directly or indirectly, of the power to direct the management, operation and/or policies of the licensee or boarding home, whether through ownership, voting control, by agreement, by contract or otherwise.

388-78A-2773 Change in licensee/change of ownership — When change in licensee not required.

The licensee is not required to change when only the following, without more, occur:

The licensee contracts with a party to manage the boarding home enterprise for the licensee pursuant to an agreement as specified in WAC [388-78A-2590](#); or
The real property or personal property assets of the boarding home are sold or leased, or a lease of the real property or personal property assets is terminated, as long as there is not a substitution or substitution of control of the licensee or boarding home.

388-78A-2775 Change in licensee/change of ownership — Application.

The prospective licensee must complete, sign and submit to the department a change of ownership application prior to the proposed date of change in licensee.

The annual boarding home license fee, if a license fee is due, must accompany the change in ownership application.

The prospective licensee must submit the following information that must be submitted along with the change of ownership application:

Evidence of control of the real estate on which the boarding home is located, such as a purchase and sales agreement, lease contract, or other appropriate document; and

Any other information requested by the department.

The prospective licensee must submit the completed application to the department within the applicable timeframes of WAC [388-78A-2785](#) or [388-78A-2787](#).

388-78A-2777 Change in licensee/change of ownership — Revised application.

The prospective licensee must submit a revised application to the department if:
Any information included on the original application is no longer accurate; or
Requested by the department.

388-78A-2780 Change in licensee/change of ownership — Notice to department and residents.

In order to change the licensee of a boarding home, the current licensee must notify the following in writing of the proposed change in licensee:

The department; and
All residents, or resident representatives (if any).

The licensee must include the following information in the written notice:

Name of the present licensee and prospective licensee;
Name and address of the boarding home for which the licensee is being changed;
Date of proposed change; and

If the boarding home contracts with the department or other public agencies that may make payments for residential care on behalf of residents, the anticipated effect, such as discharge from the boarding home, the change of licensee will have on residents whose care and services are supported through these contracts.

388-78A-2783 Change in licensee/change of ownership — Relinquishment of license.

On the effective date of the change in licensee, the current boarding home licensee is required to relinquish their boarding home license.

To relinquish a license, the licensee must mail the department the boarding home license along with a letter, addressed to the department, stating licensee's intent to relinquish the boarding home license to the department.

388-78A-2785 Change in licensee/change of ownership — Ninety days notice.

The current boarding home licensee must provide written notice to the department and residents, or resident representatives (if any), ninety calendar days prior to the date of the change of licensee, if the proposed change of boarding home licensee is anticipated to result in the discharge or transfer of any resident.

388-78A-2787 Change in licensee/change of ownership — Sixty days notice.

The current boarding home licensee must provide written notice to the department and residents, or resident representatives (if any), at least sixty calendar days prior to the date of the

change of licensee, if the proposed change of boarding home licensee is not anticipated to result in the discharge or transfer of any resident.

388-78A-2790 Annual renewal.

To renew a boarding home license, the boarding home must:

- Submit a completed license renewal application on forms designated by the department, at least thirty days prior to the license expiration date;

- Sign the application;

- Submit the annual license fee as specified in WAC [388-78A-3230](#); and

- If the licensee's agent prepares a renewal application on the licensee's behalf, the licensee must review, sign and attest to the accuracy of the information contained on the renewal application.

388-78A-2800 Changes in licensed bed capacity.

To change the licensed bed capacity in a boarding home, the boarding home must:

- Submit a completed request for approval to the department at least one day before the intended change;

- Submit the prorated fee required according to WAC [388-78A-3230](#); and

- Post an amended license obtained from the department, indicating the new bed capacity.

388-78A-2810 Criteria for increasing licensed bed capacity.

Before the licensed bed capacity in a boarding home may be increased, the boarding home must:

- Obtain construction review services' review and approval of the additional rooms or beds, and related auxiliary spaces, if not previously reviewed and approved; and

- Ensure the increased licensed bed capacity does not exceed the maximum facility capacity as determined by the department.

388-78A-2820 Building requirements and exemptions.

To get a building approved for licensing, a person must:

- Design plans according to the building code, local codes and ordinances, and this chapter;

- Submit construction documents, including any change orders and addenda to:

 - Construction review services per WAC [388-78A-2850](#) and include:

 - A minimum of two sets of final construction drawings complying with the requirements of this chapter, stamped by a Washington state licensed architect or engineer; and

 - A functional program description; and

 - Local county or municipal building departments per local codes to obtain necessary building permits.

- Conform to the approved construction documents during construction in accordance with chapter [18.20](#) RCW;

Obtain written approval from construction review services prior to deviating from approved construction documents;

Provide construction review services with a:

Written notice of completion date;

Copy of reduced floor plan(s); and

Copy of certificate of occupancy issued by the local building department; and

Obtain authorization from the department prior to providing boarding home services in the new construction area.

The department may exempt the boarding home from meeting a specific requirement related to the physical environment if the department determines the exemption will not:

Jeopardize the health or safety of residents;

Adversely affect the residents' quality of life; or

Change the fundamental nature of the boarding home operation into something other than a boarding home.

A boarding home wishing to request an exemption must submit a written request to the department, including:

A description of the requested exemption; and

The specific WAC requirement for which the exemption is sought.

The boarding home may not appeal the department's denial of a request for an exemption.

The boarding home must retain a copy of each approved exemption in the boarding home.

388-78A-2830 Conversion of licensed nursing homes.

If a person intends to convert a licensed nursing home building into a licensed boarding home, the building must meet all boarding home licensing requirements specified in this chapter and chapter [18.20](#) RCW unless the licensee has a contract with the department to provide enhanced adult residential care services in the boarding home per RCW [18.20.220](#).

If the licensee provides contracted enhanced adult residential care services in the building converted from a licensed nursing home into a licensed boarding home, the boarding home licensing requirements for the physical structure are considered to be met if the most recent nursing home inspection report for the nursing home building demonstrates compliance, and compliance is maintained, with safety standards and fire regulations:

As required by RCW [18.51.140](#); and

Specified in the applicable building code, as required by RCW [18.51.145](#), including any waivers that may have been granted, except that the licensee must ensure the building meets the licensed boarding home standards, or their functional equivalency, for:

Resident to bathing fixture ratio required per WAC [388-78A-3030](#);

Resident to toilet ratio required per WAC [388-78A-3030](#);

Corridor call system required per WAC [388-78A-2930](#);

Resident room door closures; and

Resident room windows required per WAC [388-78A-3010](#).

If the licensee does not continue to provide contracted enhanced adult residential care services in the boarding home converted from a licensed nursing home, the licensee must meet all boarding home licensing requirements specified in this chapter and chapter [18.20](#) RCW.

388-78A-2840 Licenses for multiple buildings.

- (1) The licensee may have multiple buildings operating under a single boarding home license if:
 - a. All of the buildings are located on the same property with the same legal description; or
 - b. All of the buildings are located on contiguous properties undivided by:
 - (1) Public streets, not including alleyways used primarily for delivery services or parking; or
 - (2) Other land that is not owned and maintained by the owners of the property on which the boarding home is located.
- (2) The licensee must have separate boarding homes licenses for buildings that are not located on the same or contiguous properties.
- (3) Buildings that construction review services reviewed only as an addition to, or a remodel of, an existing boarding home must not have separate boarding home licenses.

388-78A-2850 Required reviews of building plans.

A person or boarding home must notify construction review services of all planned construction regarding boarding homes prior to beginning work on any of the following:

A new building or portion thereof to be used as a boarding home;

An addition of, or modification or alteration to an existing boarding home, including, but not limited to, the boarding home's:

- Physical structure;
- Electrical fixtures or systems;
- Mechanical equipment or systems;
- Fire alarm fixtures or systems;
- Fire sprinkler fixtures or systems;
- Carpeting;
- Wall coverings 1/28 inch thick or thicker; or
- Kitchen or laundry equipment.

A change in the department-approved use of an existing boarding home or portion of a boarding home; and

An existing building or portion thereof to be converted for use as a boarding home.

A person or boarding home does not need to notify construction review services of the following:

Repair or maintenance of equipment, furnishings or fixtures;

Replacement of equipment, furnishings or fixtures with equivalent equipment, furnishings or fixtures;

Repair or replacement of damaged construction if the repair or replacement is performed according to construction documents approved by construction review services within eight years preceding the current repair or replacement;

Painting; or

Cosmetic changes that do not affect resident activities, services, or care and are performed in accordance with the current edition of the building code.

The boarding home must submit plans to construction review services as directed by construction review services and consistent with WAC [388-78A-2820](#) for approval prior to beginning any construction. The plans must provide an analysis of likely adverse impacts on current boarding home residents and plans to eliminate or mitigate such adverse impacts.

388-78A-2860 Relocation of residents during construction.

Prior to moving residents out of the boarding home during construction, the boarding home must:

Notify the residents and the residents' representatives at least thirty days prior to the anticipated move date, of the required move and their options consistent with chapter [70.129](#) RCW;

Notify the department at least thirty days prior to the anticipated move date, of the boarding home's plans for relocating residents, including:

The location to which the residents will be relocated;

The boarding home's plans for providing care and services during the relocation;

The boarding home's plans for returning residents to the building; and

The projected time frame for completing the construction.

Obtain the department's approval for the relocation plans prior to relocating residents.

If the boarding home moves out all of the residents from the boarding home without first obtaining the department's approval of the relocation plans, the boarding home is closed for business and the department may revoke the licensee's boarding home license.

388-78A-2870 Vacant buildings.

Whenever a boarding home moves out all residents and ceases operation for reasons other than construction, as specified in WAC [388-78A-2860](#), the licensee must relinquish the boarding home license or the department may revoke the boarding home license.

388-78A-2880 Changing use of rooms.

Prior to using a room for a purpose other than what was approved by construction review services, the boarding home must:

Notify construction review services:

In writing;

Thirty days or more before the intended change in use;

Describe the current and proposed use of the room; and

Provide all additional documentation as requested by construction review services.

Obtain the written approval of construction review services for the new use of the room.

388-78A-2890 Time frame for approval.

A person or the licensee must:

Obtain approval by construction review services, of final construction documents prior to starting any construction, except for fire alarm plans, fire sprinkler plans, and landscaping plans.

Obtain approval by construction review services, of landscaping, fire alarm and fire sprinkler plans prior to their installation.

The department will not issue a boarding home license unless:

Construction review services:

Notifies the department that construction has been completed; and

Provides the department:

A copy of the certificate of occupancy granted by the local building official;

A copy of the functional program; and

A reduced copy of the approved floor plan indicating room numbers or names and the approved use; and

The state fire marshal has inspected and approved the boarding home for fire protection.

388-78A-2900 Retention of approved construction documents.

The boarding home must retain on the boarding home premises:

Specification data on materials used in construction, for the life of the product;

Stamped “approved” set of construction documents.

388-78A-2910 Applicable building codes.

- (1) Newly licensed boarding homes and new construction in existing boarding homes must meet the requirements of all the current state and local building and zoning codes and applicable sections of this chapter.
- (2) Existing licensed boarding homes must continue to meet the building codes in force at the time of their plan approval by construction review services, except that the boarding home may be required to meet current building code requirements if the construction poses a risk to the health and safety of residents.
- (3) The boarding home must ensure that construction is completed in compliance with the final construction review services approved documents. Compliance with these standards and regulations does not relieve the boarding home of the need to comply with applicable state and local building and zoning codes.

388-78A-2920 Area for nursing supplies and equipment.

If the boarding home provides intermittent nursing services, the boarding home must provide on the boarding home premises for the safe and sanitary:

Storage and handling of clean and sterile nursing equipment and supplies; and

Cleaning and disinfecting of soiled nursing equipment.

For all boarding homes first issued a project number by construction review services on or after September 1, 2004 for construction related to this section, in which intermittent nursing services are provided, or upon initiating intermittent nursing services within an existing boarding home, the boarding home must provide the following two separate rooms in each boarding home building, accessible only by staff persons:

A “clean” utility room for the purposes of storing and preparing clean and sterile nursing supplies, equipped with:

A work counter or table;

A handwashing sink, with soap and paper towels or other approved hand-drying device; and

Locked medication storage, if medications are stored in this area, that is separate from all other stored items consistent with WAC [388-78A-2260](#).

A “soiled” utility room for the purposes of storing soiled linen, cleaning and disinfecting soiled nursing care equipment, and disposing of refuse and infectious waste, equipped with:

A work counter or table;

A two-compartment sink for handwashing and equipment cleaning and sanitizing;

A clinical service sink or equivalent for rinsing and disposing of waste material;

Soap and paper towels or other approved hand-drying device; and

Locked storage for cleaning supplies, if stored in the area.

388-78A-2930 Communication system.

The boarding home must:

Provide residents and staff persons with the means to summon on-duty staff assistance:

From resident units;

From common areas accessible to residents;

From corridors accessible to residents; and

For boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, all bathrooms, all toilet rooms, resident living rooms and sleeping rooms.

Provide residents, families, and other visitors with a means to contact a staff person inside the building from outside the building after hours.

The boarding home must provide one or more nonpay telephones:

In each building located for ready access by staff persons; and

On the premises with reasonable access and privacy by residents.

In boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, the boarding home must equip each resident room with two telephone lines.

If a boarding home that is issued a project number by construction services on or after September 1, 2004 chooses to install an intercom system, the intercom system must be equipped with a mechanism that allows a resident to control:

or not announcements are broadcast into the resident’s room; and

Whether or not voices or conversations within the resident’s room can be monitored or listened to by persons outside the resident’s room.

388-78A-2940 Two-way intercom systems.

The boarding home may use a two-way intercom system between staff persons and residents in other rooms only when:

A resident initiates the contact; or

Staff persons announce to the resident that the intercom has been activated at the time it is activated, and:

The resident and any others in the room agree to continue the contact;

The boarding home deactivates the intercom when the conversation is complete; and

The boarding home ensures each resident is aware the intercom is operating at all times the intercom is in use in the resident's room.

388-78A-2950 Water supply.

The boarding home must:

Provide water meeting the provisions of chapter [246-290](#) WAC, Group A public water supplies or chapter [246-291](#) WAC, Group B public water systems;

Maintain the boarding home water systems free of cross-connections as specified in the edition of Cross-Connection Control Manual, published by the Pacific Northwest Section of the American Water Works Association, in effect on the date a construction review fee is paid to the department of health, construction review services;

Provide hot and cold water under adequate pressure readily available throughout the boarding home;

Provide all sinks in resident rooms, toilet rooms and bathrooms, and bathing fixtures used by residents with hot water between 105°F and 120°F at all times; and

Label or color code nonpotable water supplies "unsafe for domestic use."

388-78A-2960 Sewage and liquid waste disposal.

The boarding home must:

Ensure that all sewage and waste water drain into a municipal sewage disposal system according to chapter [246-271](#) WAC, if available; or

Provide on-site sewage disposal systems designed, constructed, and maintained as required by chapters [246-272](#) and [173-240](#) WAC, and local ordinances.

388-78A-2970 Garbage and refuse disposal.

The boarding home must:

Provide an adequate number of garbage containers to store refuse generated by the boarding home:

Located in a storage area convenient for resident and staff use;

Constructed of nonabsorbent material;

Cleaned and maintained to prevent:

Entrance of insects, rodents, birds, or other pests;

Odors; and
Other nuisances.

Assure garbage and waste containers are emptied frequently to prevent hazards and nuisances; and

Provide for safe and sanitary collection and disposal of:

Garbage and refuse;
Infectious waste; and
Waste grease from the kitchen.

388-78A-2980 Lighting.

The boarding home must maintain electric light fixtures and lighting necessary for the comfort and safety of residents and for the activities of residents and staff.

The boarding home must provide enough lighting in each resident's room to meet the resident's needs, preferences and choices.

New boarding home construction must, at a minimum, meet the Illuminating Engineering Society of North America (IESNA) recommendations for lighting in common areas as established in the IESNA lighting handbook. The applicable handbook is the edition in effect on the date a construction review fee is paid to the department of health, construction review services, for new boarding home construction.

Existing boarding home construction must maintain, at a minimum, the Illuminating Engineering Society of North America (IESNA) recommendations for lighting in common areas as established in the IESNA lighting handbook. The applicable handbook is the edition in effect on the date a construction review fee was paid to the department of health, construction review services, for the boarding home or that portion of the boarding home that underwent construction review.

388-78A-2990 Heating-cooling — Temperature.

The boarding home must:

Equip each resident-occupied building with an approved heating system capable of maintaining a minimum temperature of 70°F per the building code. The boarding home must:

Maintain the boarding home at a minimum temperature of 60°F during sleeping hours; and

Maintain the boarding home at a minimum of 68°F during waking hours, except in rooms:

Designated for activities requiring physical exertion; or

Where residents can individually control the temperature in their own living units, independent from other areas.

Equip each resident-occupied building with a mechanical air cooling system or equivalent capable of maintaining a temperature of 75°F in communities where the design dry bulb temperature exceeds 85°F for one hundred seventy-five hours per year or two percent of the time, as specified in the latest edition of "Recommended Outdoor Design Temperatures—Washington State," published by the Puget Sound chapter of the American Society of Heating, Refrigeration, and Air-Conditioning Engineers;

Equip each boarding home issued a project number by construction review services on or after September 1, 2004 for construction related to this section, with a backup source

of heat in enough common areas to keep all residents adequately warm during interruptions of normal heating operations;
Prohibit the use of portable space heaters unless approved in writing by the Washington state director of fire protection; and
Equip each resident sleeping room and resident living room in boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, with individual temperature controls located between thirty and forty-eight inches above the floor capable of maintaining room temperature plus or minus 3°F from setting, within a range of minimum 60°F to maximum 85°F.

388-78A-3000 Ventilation.

The boarding home must:

Ventilate rooms to:

Prevent excessive odors or moisture; and

Remove smoke.

Designate and ventilate smoking areas, if smoking is permitted in the boarding home, to prevent air contamination throughout the boarding home;

Provide intact sixteen mesh screens on operable windows and openings used for ventilation; and

Prohibit screens that may restrict or hinder escape or rescue through emergency exit openings.

388-78A-3010 Resident room — Room furnishings-storage.

The boarding home must ensure each resident has a sleeping room that has:

Eighty or more square feet of usable floor space in a one-person sleeping room;

Seventy or more square feet of usable floor space per individual in a sleeping room occupied by two or more individuals, except:

When a resident sleeping room is located within a private apartment; and

The private apartment includes a resident sleeping room, a resident living room, and a private bathroom; and

The total square footage in the private apartment equals or exceeds two hundred twenty square feet excluding the bathroom; and

There are no more than two residents living in the apartment; and

Both residents mutually agree to share the resident sleeping room; and

All other requirements of this section are met, then the two residents may share a sleeping room with less than one hundred forty square feet.

A maximum sleeping room occupancy of:

Four individuals if the boarding home was licensed before July 1, 1989, and licensed continuously thereafter; and

Two individuals if the boarding home, after June 30, 1989:

Applied for initial licensure; or

Applied to increase the number of resident sleeping rooms; or

Applied to change the use of rooms into sleeping rooms.

Unrestricted direct access to a hallway, living room, outside, or other common-use area;

One or more outside windows with:

Window sills at or above grade, with grade extending horizontally ten or more feet from the building; and

Adjustable curtains, shades, blinds, or equivalent for visual privacy.

One or more duplex electrical outlets per bed if the boarding home was initially licensed after July 1, 1983;

A light control switch located by the entrance for a light fixture in the room;

An individual towel and washcloth rack or equivalent, except when there is a private bathroom attached to the resident sleeping or living room, the individual towel and washcloth rack may be located in the attached private bathroom;

In all boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, and when requested by a resident in a boarding home licensed on or before September 1, 2004, provide a lockable drawer, cupboard or other secure space measuring at least one-half cubic foot with a minimum dimension of four inches;

Separate storage facilities for each resident in or immediately adjacent to the resident's sleeping room to adequately store a reasonable quantity of clothing and personal possessions;

A configuration to permit all beds in the resident sleeping room to be spaced at least three feet from other beds unless otherwise requested by all affected residents.

The boarding home must ensure each resident sleeping room contains:

A comfortable bed for each resident, except when two residents mutually agree to share a bed. The bed must be thirty-six or more inches wide for a single resident and fifty-four or more inches wide for two residents, appropriate for size, age and physical condition of the resident and room dimensions, including, but not limited to:

Standard household bed;

Studio couch;

Hide-a-bed;

Day bed; or

Water bed, if structurally and electrically safe.

A mattress for each bed which:

Fits the bed frame;

Is in good condition; and

Is at least four inches thick unless otherwise requested or necessary for resident health or safety.

One or more comfortable pillows for each resident;

Bedding for each bed, in good repair; and

Lighting at the resident's bedside when requested by the resident.

The boarding home must not allow a resident sleeping room to be used as a passageway or corridor.

The boarding home may use or allow use of carpets and other floor coverings only when the carpet is:

Securely fastened to the floor or provided with nonskid backing; and

Kept clean and free of hazards, such as curling edges or tattered sections.

The boarding home must ensure each resident has either a sleeping room or resident living room that contains a sturdy, comfortable chair appropriate for the age and

physical condition of the resident. This requirement does not mean a boarding home is responsible for supplying specially designed orthotic or therapeutic chairs, including those with mechanical lifts or adjustments.

388-78A-3020 Calculating floor space.

Usable floor space in a resident's sleeping room is calculated by measuring from interior wall surface to interior wall surface:

Including:

Areas under moveable furniture; and
Areas of door swings and entryways into the sleeping room.

Excluding:

Areas under ceilings less than seven feet six inches high;
Closet space and built-in storage;
Areas under counters, sinks, or appliances; and
Bathrooms and toilet rooms.

388-78A-3030 Toilet rooms and bathrooms.

The boarding home must provide private or common-use toilet rooms and bathrooms to meet the needs of each resident.

The boarding home must provide each toilet room and bathroom with:

Water resistant, smooth, low gloss, nonslip and easily cleanable materials;
Washable walls to the height of splash or spray;

Grab bars installed and located to minimize accidental falls including one or more grab bars at each:

Bathing fixture; and
Toilet.

Plumbing fixtures designed for easy use and cleaning and kept in good repair; and

Adequate ventilation to the outside of the boarding home. For boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, must provide mechanical ventilation to the outside.

The boarding home must provide each toilet room with a:

Toilet with a clean, nonabsorbent seat free of cracks;

Handwashing sink in or adjacent to the toilet room. For boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, the handwashing sink must be in the toilet room or in an adjacent private area that is not part of a common use area of the boarding home; and

Suitable mirror with adequate lighting for general illumination.

For boarding homes approved for construction or initially licensed after August 1, 1994, the boarding home must provide a toilet and handwashing sink in, or adjoining, each bathroom.

When providing common-use toilet rooms and bathrooms, the boarding home must provide toilets and handwashing sinks for residents in the ratios of one toilet and one handwashing sink for one to eight residents, two for nine to sixteen residents, three for seventeen to twenty-four residents, and so on, who do not have access to a private toilet

room. When two or more toilets are contained in a single bathroom, they are counted as one toilet.

When providing common-use toilet rooms and bathrooms, the boarding home must provide bathing fixtures for residents in the ratio of one bathing fixture for every twelve residents. For example: One bathing fixture for one to twelve residents, two for twelve to twenty-four residents, three for twenty-five to thirty-six residents, and so on, who do not have access to a private toilet room.

When providing common-use toilet rooms and bathrooms, the boarding home must:

Designate toilet rooms containing more than one toilet for use by men or women;

Designate bathrooms containing more than one bathing fixture for use by men or women;

Equip each toilet room and bathroom designed for use by, or used by, more than one person at a time, in a manner to ensure visual privacy for each person using the room. The boarding home is not required to provide additional privacy features in private bathrooms with a single toilet and a single bathing fixture located within a private apartment;

Provide a handwashing sink with soap and single use or disposable towels, blower or equivalent hand-drying device in each toilet room, except that single-use or disposable towels or blowers are not required in toilet rooms or bathrooms that are located within a private apartment;

Provide reasonable access to bathrooms and toilet rooms for each resident by:

Locating a toilet room on the same floor or level as the sleeping room of the resident served;

Locating a bathroom on the same floor or level, or adjacent floor or level, as the sleeping room of the resident served;

Providing access without passage through any kitchen, pantry, food preparation, food storage, or dishwashing area, or from one bedroom through another bedroom; and

Provide and ensure toilet paper is available at each common-use toilet.

In boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, the boarding home must ensure twenty-five percent of all the bathing fixtures in the boarding home are roll-in type showers that have:

One-half inch or less threshold that may be a collapsible rubber water barrier;

A minimum size of thirty-six inches by forty-eight inches; and

Single lever faucets located within thirty-six inches of the seat so the faucets are within reach of persons seated in the shower.

388-78A-3040 Laundry.

The boarding home must provide laundry and linen services on the premises, or by commercial laundry.

The boarding home must handle, clean, and store linen according to acceptable methods of infection control. The boarding home must:

Provide separate areas for handling clean laundry and soiled laundry;

Ensure clean laundry is not processed in, and does not pass through, areas where soiled laundry is handled;

Ensure areas where clean laundry is stored are not exposed to contamination from other sources; and

Ensure all staff persons wear gloves and uses other appropriate infection control practices when handling soiled laundry.

The boarding home must use washing machines that have a continuous supply of hot water with a temperature of 140°F measured at the washing machine intake, or that automatically dispense a chemical sanitizer as specified by the manufacturer, whenever the boarding home washes:

Boarding home laundry;

Boarding home laundry combined with residents' laundry into a single load; or

More than one resident's laundry combined into a single load.

The boarding home or a resident washing an individual resident's personal laundry, separate from other laundry, may wash the laundry at temperatures below 140°F and without the use of a chemical sanitizer.

The boarding home must ventilate laundry rooms and areas to the outside of the boarding home, including areas or rooms where soiled laundry is held for processing by off site commercial laundry services.

The boarding home must locate laundry equipment in rooms other than those used for open food storage, food preparation or food service.

For all boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, the boarding home must provide a laundry area where residents' may do their personal laundry that is:

Equipped with:

A utility sink;

A table or counter for folding clean laundry;

At least one washing machine and one clothes dryer; and

Mechanical ventilation to the outside of the boarding home.

Is arranged to reduce the chances of soiled laundry contaminating clean laundry.

The boarding home may combine areas for soiled laundry with other areas when consistent with WAC [388-78A-3110](#).

The boarding home may combine areas for handling and storing clean laundry with other areas when consistent with WAC [388-78A-3120](#).

388-78A-3050 Day rooms.

The boarding home must provide one or more day room areas in which residents may participate in social and recreational activities. Day room areas include, but are not limited to:

Solariums;

Enclosed sun porches;

Recreation rooms;

Dining rooms; and

Living rooms.

The boarding home must provide a total minimum floor space for day room areas of:

One hundred fifty square feet, or ten square feet per resident, whichever is larger, in boarding homes licensed on or before December 31, 1988; or

One hundred fifty square feet, or twenty square feet per resident, whichever is larger, in boarding homes licensed after December 31, 1988.

The boarding home must provide day room areas with comfortable furniture and furnishings that meet the residents' needs.

388-78A-3060 Storage space.

The boarding home must:

- Provide adequate storage space for supplies, equipment and linens;
- Provide separate, locked storage for disinfectants and poisonous compounds; and
- Maintain storage space to prevent fire or safety hazards.

388-78A-3070 Stairs — Ramps.

The boarding home must maintain nonskid surfaces on all stairways and ramps used by residents.

388-78A-3080 Guardrails — Handrails.

The boarding home must install and maintain sturdy handrails according to building code requirements, located:

- In halls and corridors, if necessary for resident safety;
 - On each side of interior and exterior stairways with more than one step riser, unless the department approves in writing having a handrail on one side only; and
 - On each side of interior and exterior ramps with slopes greater than one to twenty.
- The boarding home must install guardrails if the department determines guardrails are necessary for resident safety.

388-78A-3090 Maintenance and housekeeping.

The boarding home must:

- Provide a safe, sanitary and well-maintained environment for residents;
- Keep exterior grounds, boarding home structure, and component parts safe, sanitary and in good repair;
- Keep facilities, equipment and furnishings clean and in good repair;
- Ensure each resident or staff person maintains the resident's quarters in a safe and sanitary condition; and
- Equip a housekeeping supply area on the premises with:
 - A utility sink or equivalent means of obtaining and disposing of mop water, separate from food preparation and service areas;
 - Storage for wet mops, ventilated to the outside of the boarding home; and
 - Locked storage for cleaning supplies.

For boarding homes issued a project number by construction review services on or after September 1, 2004 for construction related to this section, the boarding home must provide housekeeping supply room(s):

Located on each floor of the boarding home, except only one housekeeping supply room is required for boarding homes licensed for sixteen or fewer beds when there is a means other than using a stairway, for transporting mop buckets between floors;

In proximity to laundry and kitchen areas; and

Equipped with:

A utility sink or equivalent means of obtaining and disposing of mop water, away from food preparation and service areas;

Storage for wet mops;

Locked storage for cleaning supplies; and

Mechanical ventilation to the outside of the boarding home.

388-78A-3100 Safe storage of supplies and equipment.

The boarding home must secure potentially hazardous supplies and equipment commensurate with the assessed needs of residents and their functional and cognitive abilities. In determining what supplies and equipment may be accessible to residents, the boarding home must consider at a minimum:

The residents' characteristics and needs;

The degree of hazardousness or toxicity posed by the supplies or equipment;

Whether or not the supplies and equipment are commonly found in a private home, such as hand soap or laundry detergent; and

How residents with special needs are individually protected without unnecessary restrictions on the general population.

388-78A-3110 Areas for cleaning and storing soiled equipment, supplies and laundry.

The boarding home may combine areas used for storing, handling and cleaning soiled laundry and linens, areas used for cleaning and disinfecting soiled nursing care equipment, areas for disposing of refuse and infectious waste, and/or areas for storing housekeeping and cleaning supplies, into a single area on the premises only when the boarding home equips the area with:

A two-compartment sink for handwashing and sanitizing;

A clinical service sink or equivalent for rinsing and disposing of waste material;

A work counter or table;

Mechanical ventilation to the outside of the boarding home; and

Locked storage for cleaning supplies, if stored in the area.

The boarding home must ensure that any work or function performed in or around a combined utility area as described in subsection (1) of this section is performed without significant risk of contamination to:

Storing or handling clean or sterile nursing supplies or equipment;

Storing or handling clean laundry;

Providing resident care;

Food storage, preparation, or service; or

Other operations, services or functions in the boarding home sensitive to infection control practices.

388-78A-3120 Areas for handling and storing clean supplies and equipment.

The boarding home may combine areas used for handling and storing clean laundry, and areas used for storing, preparing and handling clean and sterile nursing supplies, equipment and medications, into a single area on the premises only when the boarding home:

Equips the area with:

A handwashing sink; and

A work counter or table.

Ensures that any work or function performed in the area is performed without significant risk of contamination from other sources; and

Stores medications separate from all other stored items consistent with WAC [388-78A-2260](#).

388-78A-3130 Plant restrictions.

The boarding home must not use poisonous or toxic plants in areas of the boarding home premises accessible to residents who, based on their diagnosed condition or cognitive disabilities, may ingest or have harmful contact with such plants.

388-78A-3140 Responsibilities during inspections.

The boarding home must:

Cooperate with the department during any on-site inspection or complaint investigation;

Provide requested records to the representatives of the department; and

Ensure the boarding home administrator or the administrator's designee is available during any inspection or complaint investigation to respond to questions or issues identified by department staff.

388-78A-3150 Statements of deficiencies.

The department will give the administrator or the administrator's designee a written statement of deficiencies report specifying any violations of chapters [18.20](#), [70.129](#), or [74.34](#) RCW, this chapter, or any other applicable laws or rules that the department found during any inspection or complaint investigation.

388-78A-3152 Plan of correction — Required.

The boarding home must comply with all applicable licensing laws and regulations at all times.

When the department finds the boarding home out of compliance with any licensing law or regulation the department will send the home an inspection report with an attestation of correction statement for each cited deficiency.

The boarding home must complete an attestation of correction for any inspection report as the department requires.

For purposes of this section an “attestation of correction statement” means a statement developed by the department and signed and dated by the home, that the home:

Has or will correct each cited deficiency; and
Will maintain correction of each cited deficiency.

The home must be able to show to the department, upon request, that, for each deficiency cited, the home has:

A plan of correction and maintaining correction;
Corrected or is correcting each deficiency; and
Maintained or is maintaining compliance.

On each attestation of correction statement, the home must:

Give a date, approved by the department, showing when the cited deficiency has been or will be corrected; and

By signature and date showing that the home has or will correct, and maintain correction, of each deficiency.

The home must return the inspection report, with completed attestation of correction statements, to the department within ten calendar days of receiving the report.

388-78A-3160 Authorized enforcement remedies.

Whenever the circumstances in WAC [388-78A-3170](#)(1) are present, the department may impose any enforcement remedies authorized by RCW [18.20.050](#)(4), [18.20.185](#)(7) and [18.20.190](#) on a boarding home, including:

Denying a boarding home license;
Suspending a boarding home license;
Revoking a boarding home license;
Refusing to renew a boarding home license;
Suspending admissions to a boarding home;
Suspending admissions to a boarding home of a specific category or categories of residents as related to cited problems;
Imposing conditions on the boarding home license; and/or
Imposing civil penalties of not more than one hundred dollars per day per violation.

Notwithstanding subsection (1) of this section, the department may impose a civil penalty on a boarding home of up to three thousand dollars per day per violation for interference, coercion, discrimination and/or reprisal by a boarding home as set forth in RCW [18.20.185](#)(7).

388-78A-3170 Circumstances resulting in enforcement remedies.

The department is authorized to impose enforcement remedies described in WAC [388-78A-3160](#) if any person described in subsection (2) of this section is found by the department to have:

A history of significant noncompliance with federal or state laws or regulations in providing care or services to frail elders, vulnerable adults or children, whether as a licensee, contractor, managerial employee or otherwise. Evidence of significant noncompliance may include, without limitation:

Citations for violation of laws or regulations imposed by regulating entities;

Sanctions for violation of laws or regulations imposed by regulating entities;
Involuntary termination, cancellation, suspension, or nonrenewal of a medicaid contract or medicare provider agreement, or any other agreement with a public agency for the care or treatment of children, frail elders or vulnerable adults;
Been denied a license relating to the care of frail elders, vulnerable adults or children; or
Relinquished or failed to renew a license relating to care of frail elders, vulnerable adults or children following written notification of the licensing agency's initiation of denial, suspension, cancellation or revocation of a license.

Failed to provide appropriate care to frail elders, vulnerable adults or children under a contract, or having such contract terminated or not renewed by the contracting agency due to such failure;

Been convicted of a felony, or a crime against a person, if the conviction reasonably relates to the competency of the person to operate a boarding home;

Failed or refused to comply with the requirements of chapter [18.20](#) RCW, applicable provisions of chapter [70.129](#) RCW or this chapter;

Retaliated against a staff person, resident or other individual for:

Reporting suspected abuse or other alleged improprieties;

Providing information to the department during the course of the department conducting an inspection of the boarding home; or

Providing information to the department during the course of the department conducting a complaint investigation in the boarding home.

Operated a facility for the care of children or adults without a current, valid license or under a defunct or revoked license;

Been convicted of a crime committed on a boarding home premises; knowingly permitted, aided or abetted an illegal act on a boarding home premises; or engaged in the illegal use of drugs or the excessive use of alcohol;

Abused, neglected or exploited a vulnerable adult or knowingly failed to report alleged abuse, neglect or exploitation of a vulnerable adult as required by chapter [74.34](#) RCW;

Failed to exercise fiscal accountability and responsibility involving a resident, the department, public agencies, or the business community; or to have insufficient financial resources or unencumbered income to sustain the operation of the boarding home;

Knowingly or with reason to know, made false statements of material fact in the application for the license or the renewal of the license or any data attached thereto, or in any matter under investigation by the department;

Willfully prevented or interfered with or attempted to impede in any way any inspection or investigation by the department, or the work of any authorized representative of the department or the lawful enforcement of any provision of this chapter;

Refused to allow department representatives or agents to examine any part of the licensed premises including the books, records and files required under this chapter;

Moved all residents out of the boarding home without the department's approval and to be no longer operating as a boarding home; or

Demonstrated any other factors that give evidence the applicant lacks the appropriate character, suitability and competence to provide care or services to vulnerable adults.

This section applies to any boarding home:

Applicant;

Partner, officer or director;

Manager or managerial employee; or
Majority owner of the applicant or licensee:

- Who is involved in the management or operation of the boarding home;
- Who may have direct access to boarding home residents;
- Who controls or supervises the provision of care or services to boarding home residents; or
- Who exercises control over daily operations of the boarding home.

For other circumstances resulting in discretionary enforcement remedies, see WAC [388-78A-3200](#).

388-78A-3180 Required enforcement remedies.

The department must impose an appropriate remedy consistent with RCW [18.20.125](#) and as otherwise authorized by RCW [18.20.185](#) or [18.20.190](#) whenever the department finds a boarding home has:

- A serious problem, a recurring problem, or an uncorrected problem;
- Created a hazard that causes or is likely to cause death or serious harm to one or more residents;
- Discriminated or retaliated in any manner against a resident, employee, or any other person because that person or any other person made a complaint or provided information to the department, the attorney general, a law enforcement agency, or the long-term care ombudsman; or
- Willfully interfered with the performance of official duties by a long-term care ombudsman.

388-78A-3190 Denial, suspension, revocation, or nonrenewal of license statutorily required.

The department must deny, suspend, revoke or refuse to renew a boarding home license if any person described in subsection (2) of this section who may have unsupervised access to residents has a conviction or finding described in WAC [388-78A-2470](#).

This section applies to any boarding home:

Applicant;
Partner, officer or director;
Manager or managerial employee; or
Owner of five percent or more of the applicant:

- Who is involved in the operation of the boarding home; or
- Who controls or supervises the provision of care or services to the boarding home residents; or
- Who exercises control over daily operations.

388-78A-3200 Progression of enforcement remedies.

When the department cites a boarding home for an initial problem that does not represent a recurring problem, serious problem or uncorrected problem, and that results in minimal or moderate harm that is limited in scope, the department may:

Require a plan of correction from the boarding home;
Impose conditions on the boarding home license; and/or
Impose a civil penalty.

The department may take any of the actions specified in subsection (1) of this section and/or impose a stop-placement or limited stop-placement on a boarding home when:

There is a reasonable probability, at the time the stop-placement or limited stop-placement is imposed, at least a moderate degree of harm will occur or recur as a result of a single problem or by a combination of problems; and

The threatening problem is more than an isolated event or occurrence.

The department may take any of the actions specified in subsections (1) and (2) of this section and/or summarily suspend a boarding home's license when:

There is an imminent threat that a serious degree of harm may occur to residents as a result of a single problem or a combination of problems; and

The threatening problem is more than an isolated event or occurrence.

The department may take any of the actions specified in subsections (1), (2) and (3) of this section and/or revoke a boarding home's license when:

The department has cause to summarily suspend the boarding home's license;

There is a current problem with the boarding home and the boarding home has a history of having enforcement remedies imposed by the department;

There is a current problem with the boarding home and the boarding home has a history of noncompliance representing problems that were at least moderate in nature and moderate in scope;

The boarding home has moved all residents out of the boarding home without the department's approval and is no longer operating as a boarding home; or

There is a serious current problem, which may not warrant a summary suspension, with the boarding home that does not have a history of noncompliance. Examples of the types of serious current problems that may warrant license revocation include, but are not limited to:

The licensee has been found or convicted by a court of competent jurisdiction to have engaged in fraudulent activity; or

The licensee is experiencing significant financial problems resulting in poor care or jeopardizing the care and services that can be provided to residents, and possible business failure; or

The boarding home fails to cooperate with the department during any inspection or complaint investigation.

388-78A-3210 Informal dispute resolution.

The boarding home has a right to an informal dispute resolution meeting according to department procedure and consistent with RCW [18.20.195](#). The boarding home must make a request for an informal dispute resolution meeting in writing within ten days of the receipt of the written notice of deficiency.

388-78A-3220 Appeal rights.

An applicant or boarding home:

May contest an enforcement remedy imposed by the department pursuant to RCW [18.20.190](#) according to the provisions of chapter [34.05](#) RCW and chapters [10-08](#) and [388-02](#) WAC;

Must file any request for an adjudicative proceeding with the office of administrative hearings at the mailing address specified in the notice of imposition of an enforcement remedy within twenty-eight days of receiving the notice.

Orders of the department imposing licensing suspension, stop-placement, or conditions for continuation of a license are effective immediately upon notice and shall continue pending any hearing.

388-78A-3230 Fees.

The boarding home must:

Submit an annual license fee of seventy-nine dollars per bed of the licensed resident bed capacity as determined by and in accordance with RCW [18.20.050](#);

Submit an additional one hundred fifty dollars when billed by the department for:

A third on-site visit required by the boarding home's failure to adequately correct problems identified in a statement of deficiencies; and

A full out-of-sequence inspection resulting from information gathered during a complaint investigation.

Submit an additional late fee in the amount of ten dollars per day from the license renewal date until the date of mailing the fee, as evidenced by the postmark; and

Submit to construction review services a fee for the review of the construction documents per the review fee schedule that is based on the project cost.

388-78A-3390 Resident protection program – Individual defined.

As used in WAC [388-78A-3400](#) through [388-78A-3480](#), the term "individual" means anyone used by the boarding home to provide services to residents who is alleged to have abandoned, abused, neglected, or financially exploited a resident. "Individual" includes, but is not limited to employees, contractors, and volunteers.

388-78A-3400 Investigation of reports.

The department may investigate allegations of abandonment, abuse, neglect, exploitation, and financial exploitation of a resident.

A department investigation may include an investigation of allegations about one or more of the following:

A licensee;

Boarding home administrator;

Employee of the boarding home;

Entity representative;

Anyone affiliated with the boarding home; and

Caregiver.

388-78A-3410 Resident protection program – Notice to the individual of preliminary finding.

The department will serve notice of the preliminary finding as provided in WAC [388-78A-4000](#).

The department may establish proof of service as provided in WAC [388-78A-4010](#).

388-78A-3420 Resident protection program – Notice to others of preliminary findings.

Consistent with confidentiality requirements concerning the resident, witnesses, and reporter, the department may provide notification of a preliminary finding to:

- Other divisions within the department;
- The agency, program, or employer where the incident occurred;
- The employer or program that is currently associated with the individual;
- Law enforcement;
- Other entities as authorized by law including chapter [74.34](#) RCW and this chapter; and
- The appropriate licensing agency.

388-78A-3430 Resident protection program - Disputing a preliminary finding.

The individual may request an administrative hearing to challenge a preliminary finding made by the department

The request must be made in writing to the office of administrative hearings.

The office of administrative hearings must receive the individual’s written request for an administrative hearing within thirty calendar days of the date written on the notice of the preliminary finding.

The written request for a hearing must include:

- The individual’s full legal name, current mailing address and the telephone number;
- A brief explanation of why the individual disagrees with the preliminary finding;
- A description of any assistance needed in the administrative appeal process by the individual, including a foreign or sign language interpreter or any reasonable accommodation for a disability; and
- The individual’s signature.

388-78A-3440 Hearing procedures to dispute preliminary finding.

Chapters [34.05](#) and [74.34](#) RCW, chapter [388-02](#) WAC, and the provisions of this chapter govern any appeal regarding a preliminary finding.

If a conflict exists between the provisions of this chapter and chapter [388-02](#) WAC, the provisions of this chapter prevail.

If an administrative law judge within the office of administrative hearings determines that a preponderance of the evidence supports the preliminary finding that the individual abandoned, abused, neglected, exploited, or financially exploited a resident, then the administrative law judge will issue an initial order.

388-78A-3450 Resident protection program – Finalizing a preliminary finding.

A preliminary finding becomes a final finding when:

The department notifies the individual there is a preliminary finding under WAC [388-78A-3410](#); and

The individual does not ask for an administrative hearing; or

The administrative law judge:

Dismisses the appeal following withdrawal of the appeal or default;

Dismisses the appeal for failure to comply with time limits under WAC [388-78A-3430](#); or

Issues an initial order upholding the finding and the individual fails to appeal the initial order to the department's board of appeals.

The board of appeals issues a final order upholding the finding.

A final finding is permanent.

A final finding will only be removed from the department or agency list of individuals found to have abandoned, abused, neglected, exploited, or financially exploited a vulnerable adult if it is rescinded following judicial review.

388-78A-3460 Resident protection program – Appeal of initial order.

If the individual or the department disagrees with the administrative law judge's decision, either party may challenge this decision by filing a petition for review with the department's board of appeals under chapter [34.05](#) RCW, Administrative Procedure Act, and chapter [388-02](#) WAC.

If the department appeals the administrative law judge's decision, the department will not change the finding in the department's records until a final hearing decision is issued.

388-78A-3470 Resident protection program – Reporting final findings.

The department will report a final finding of abandonment, abuse, neglect, exploitation and financial exploitation within ten working days to the following:

The individual against whom the final finding was made;.

I The boarding home licensee or entity representative that was associated with the individual during the time of the incident;

The employer or program that is currently associated with the individual against whom the final finding was made, if known;

The appropriate licensing, certification or registration authority;

Any federal or state registry or list of individuals found to have abandoned, abused, neglected, exploited, or financially exploited a vulnerable adult; and

The findings may be disclosed to the public upon request subject to applicable public disclosure laws.

388-78A-3480 Resident protection program – Disclosure of investigative and finding information.

Confidential information about residents and mandated reporters received from the department may only be used by the individual to challenge findings through the appeal process. It may only be shared with persons who are involved in the appeal. Confidential information such as the name and other personal identifying information of the reporter, witnesses, or the resident will be redacted from documents unless release of that information is consistent with chapter [74.34](#) RCW and other applicable state and federal laws.

388-78A-4000 Notice – Service complete.

Service of the department notices is complete when:

- Personal service is made;
- The notice is addressed to the individual or facility at his or her last known address, and deposited in the United States mail;
- The notice is faxed and the department receives evidence of transmission;
- Notice is delivered to a commercial delivery service with charges prepaid; or
- Notice is delivered to a legal messenger service with charges prepaid.

388-78A-4010 Notice – Proof of service.

The department may establish proof of service by any of the following:

- A declaration of personal service;
- An affidavit or certificate of mailing to the boarding home or to the individual to whom notice is directed;
- A signed receipt from the person who accepted the certified mail, the commercial delivery service, or the legal messenger service package; or
- Proof of fax transmission.