



# RULE-MAKING ORDER

## CR-103 (June 2004) (Implements RCW 34.05.360)

**Agency:** Department of Social and Health Services, Aging and Disability Services Administration

- Permanent Rule**  
 **Emergency Rule**

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.  
 Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** The purpose of the rule amendment is to clarify requirements and make grammatical correction.

**Citation of existing rules affected by this order:**

Repealed: None  
 Amended: WAC 388-76-10120; 388-76-10125; 388-76-10955; 388-76-10960  
 Suspended: None

**Statutory authority for adoption:** RCW 70.128.040

**Other authority:** N/A

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 08-22-103 on November 5, 2008.

Describe any changes other than editing from proposed to adopted version:

None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Maureen Lally phone ( 360 ) 725-3204  
 Address: PO Box 45600 fax ( 360 ) 438-7903  
 Olympia, WA 98504-5600 e-mail [lallyma@dshs.wa.gov](mailto:lallyma@dshs.wa.gov)

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.  
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**Date adopted:**

January 12, 2009

**NAME (TYPE OR PRINT)**

Stan Marshburn

**SIGNATURE**

**TITLE**

Interim Secretary, Department of Social and Health Services

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: January 12, 2009  
TIME: 8:48 AM

**WSR 09-03-028**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>0</u>	Amended	<u>4</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>  </u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>4</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

**WAC 388-76-10120 License--Must be denied.** (~~The department must deny a license if the department finds any person or entity unqualified as follows:~~

~~(1) Has a history of prior violations of chapter 70.128 RCW or any law regulating residential care facilities within the past five years that resulted in revocation, suspension, or nonrenewal of a license or contract with the department;~~

~~(2) When providing care or services to children or vulnerable adults:~~

~~(a) Has been found to be in significant noncompliance with federal or state regulations; or~~

~~(b) Had a license for the care of children or vulnerable adults suspended or revoked.~~

~~(3) For a period of twenty years after a provider surrendered or relinquished an adult family home license after notification of the department's intention to deny, suspend, not renew or revoke, in lieu of appealing the department's action;~~

~~(4) Been enjoined from operating a facility for the care and services of children or adults;~~

~~(5) A stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, final order issued by a disciplining authority or final decision by any federal or state agency or department, a court of law, or entered into a state registry or department or agency list with a finding of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW;~~

~~(6) Had a revocation or suspension of a license for the care of children or adults;~~

~~(7) Had a revocation, cancellation, suspension or nonrenewal of:~~

~~(a) A Medicaid or Medicare provider agreement by the contracting agency; or~~

~~(b) Any agreement with a public agency for the care and treatment of children or vulnerable adults, when the action was taken by the public agency.~~

~~(8) Been convicted of any crime listed in RCW 43.43.830 or 43.43.842;~~

~~(9) Been found by a court:~~

~~(a) In a protection proceeding under chapter 74.34 RCW to have abandoned, neglected, abused, or financially exploited a vulnerable adult; or~~

~~(b) In a domestic relations proceeding under Title 26 RCW to have sexually or physically abused, neglected or exploited any minor.~~

~~(10) Been found in any final decision issued by a disciplinary board to have:~~

~~(a) Sexually or physically abused, neglected or exploited any minor or a person with a developmental disability; or~~

~~(b) Abandoned, abused, neglected or financially exploited any vulnerable adult.~~

~~(11) Been found in any final decision by any federal or state agency or department to have abandoned, neglected, abused or financially exploited a vulnerable adult;~~

~~(12) Found in any dependency action under RCW 13.34.030 (5) (b) to have sexually or physically abused, neglected or exploited any minor;~~

~~(13) The home is currently licensed:~~

~~(a) As a boarding home; or~~

~~(b) To provide care for children in the same home, unless:~~

~~(i) It is necessary in order to allow a resident's child(ren) to live in the same home as the resident or to allow a resident who turns eighteen to remain in the home;~~

~~(ii) The applicant provides satisfactory evidence to the department of the home's capacity to meet the needs of children and adults residing in the home; and~~

~~(iii) The total number of persons receiving care and services in the home does not exceed the number permitted by the licensed capacity of the home.~~

~~(14) If the provider or entity representative has not successfully completed a department-approved forty-eight hour adult family home administration and business planning class)) (1) The department must not grant a license until the applicant has successfully completed a department-approved forty-eight hour adult family home administration and business planning class.~~

~~(2) The department must deny a license if the department finds that it has been less than twenty years since the applicant surrendered or relinquished an adult family home license after receiving notice that the department intended to deny, suspend, not renew or revoke the license.~~

~~(3) The department must deny a license if the department finds that the applicant or the applicant's spouse, domestic partner, or any partner, officer, director, managerial employee or majority owner of the applying entity:~~

~~(a) Has a history of significant noncompliance with federal or state laws or regulations in the provision of care or services to children or vulnerable adults;~~

~~(b) Has been convicted of a crime in federal court or in any other state, and the department determines that the crime is equivalent to a crime under subsections (3) (c) and (3) (d), below;~~

~~(c) Has been 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 conviction;~~

~~(d) Has been convicted of "crimes relating to financial exploitation" as defined in RCW 43.43.830, unless the crime is theft in 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;~~

~~(e) Has been found in any final decision issued by a disciplining authority to have abused, neglected, exploited, or abandoned a minor or vulnerable adult;~~

~~(f) Is listed on a state registry with a finding of abuse, neglect, financial exploitation, or abandonment of a minor or vulnerable adult; or~~

(g) Has been the subject of a finding or conclusion by a court of law, or any comparable state or federal law, that the individual abused, neglected, financially exploited or abandoned a minor or vulnerable adult. Examples of legal proceedings in which such findings could be made include juvenile court proceedings under chapter 13.34 RCW, domestic relations proceeding under Title 26 RCW, and vulnerable adult protection proceedings under chapter 74.34 RCW.

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

~~WAC 388-76-10125 License--May be denied. ((The department may deny a license if the department finds any person or entity unqualified as follows:~~

- ~~(1) Been convicted of a crime:
  - ~~(a) As defined under RCW 43.43.830 or 43.43.842;~~
  - ~~(b) Relating to financial exploitation as defined under RCW 43.43.830 or 43.43.842;~~
  - ~~(c) A felony against a person if the conviction reasonably relates to the competency of the person to own or operate an adult family home;~~
  - ~~(d) Involving a firearm used in the commission of a felony or in any act of violence against a person; or~~
  - ~~(e) Engaged in illegally selling or distributing drugs illegal use of drugs or excessive use of alcohol within the past five years without the evidence of rehabilitation.~~~~
- ~~(2) Found by a court in a protection proceeding under chapter 74.34. RCW to have abandoned, abused, neglected, or financially exploited a vulnerable adult;~~
- ~~(3) Found in a final decision issued by a disciplinary board to have sexually or physically abused, neglected or exploited any minor person or a person with a developmental disability or to have abused or financially exploited any vulnerable adult;~~
- ~~(4) Found in any dependency action under RCW 13.34.030(5) to have sexually abused, neglected or exploited any minor or to have physically abused any minor;~~
- ~~(5) Found in a court in a domestic relations proceeding under Title 26 RCW to have:
  - ~~(a) Sexually abused, neglected or exploited any minor or to have physically abused any minor; or~~
  - ~~(b) Committed an act of domestic violence toward a family or household member.~~~~
- ~~(6) Had sanction, corrective, or remedial action taken by federal, state, county, or municipal officials or safety officials related to the care or treatment of children or vulnerable adults;~~
- ~~(7) Obtained or attempted to obtain a license by fraudulent means or misrepresentation;~~
- ~~(8) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a license or any data attached to the application or in any matter under investigation by the department;~~

- ~~(9) Permitted, aided, or abetted the commission of any illegal act on the adult family home premises;~~
- ~~(10) Willfully prevented or interfered with or failed to cooperate with any inspection, investigation or monitoring visit made by the department;~~
- ~~(11) Failed or refused to comply with:~~
- ~~(a) A condition imposed on a license or a stop placement order; or~~
- ~~(b) The applicable requirements of chapters 70.128, 70.129, 74.34 RCW or this chapter.~~
- ~~(12) Misappropriated property of a resident;~~
- ~~(13) Denied a license or license renewal to operate a facility that was licensed to care for children or vulnerable adults;~~
- ~~(14) Exceeded licensed capacity in the operation of an adult family home;~~
- ~~(15) Operated a facility for the care of children or adults without a license or revoked license;~~
- ~~(16) Relinquished or returned a license in connection with the operation of any facility for the care of children or adults, or did not seek license renewal following written notification of the licensing agency's intention of denial, suspension, cancellation or revocation of a license;~~
- ~~(17) Had resident trust funds or assets of an entity providing care to children or vulnerable adults seized by the Internal Revenue Service or a state entity for failure to pay income or payroll taxes;~~
- ~~(18) Failed to meet financial obligations as the obligations fell due in the normal course of business, thereby impeding the ability to provide care and services to residents;~~
- ~~(19) Refused to permit authorized department representatives to interview residents or to have access to resident records or home;~~
- ~~(20) Interfered with a long-term care ombudsman or department staff in the performance of his or her duties; or~~
- ~~(21) Found to be in noncompliance with the requirements established in chapters 70.128, 70.129, 74.34 RCW, this chapter or other applicable laws and regulations)) The department may deny a license if the department finds that the applicant or the applicant's spouse, domestic partner, or any partner, officer, director, managerial employee or majority owner of the applying entity:~~
- ~~(1) Has been convicted of:~~
- ~~(a) Simple assault, theft in third degree, assault in the fourth degree, or prostitution and more than three years has passed since conviction;~~
- ~~(b) Forgery or theft in the second degree and more than five years has passed since conviction;~~
- ~~(c) Any felony that the department determines is reasonably related to the competency of the person to be involved in the ownership or operation of an adult family home; or~~
- ~~(d) A crime involving a firearm used in commission of a felony or in any act of violence against a person.~~
- ~~(2) Has engaged in the illegal use, sale or distribution of drugs or excessive use of alcohol or drugs without the evidence of rehabilitation;~~
- ~~(3) Has committed an act of domestic violence toward a family~~

or household member;

(4) Has been found in any final decision of a federal or state agency to have abandoned, neglected, abused or financially exploited a vulnerable adult, unless such decision requires a license denial under WAC 388-76-10120;

(5) Has had a license for the care of children or vulnerable adults denied, suspended, revoked, or not renewed;

(6) Has a history of prior violations of chapter 70.128 RCW or any law regulating residential care facilities that resulted in revocation, suspension, or nonrenewal of a license;

(7) Has been enjoined from operating a facility for the care and services of children or adults;

(8) Has had a Medicaid or Medicare provider agreement or any other contract for the care and treatment of children or vulnerable adults, terminated, cancelled, suspended, or not renewed by any public agency, including a state Medicaid agency;

(9) Has been the subject of a sanction or corrective or remedial action taken by federal, state, county, or municipal officials or safety officials related to the care or treatment of children or vulnerable adults;

(10) Has obtained or attempted to obtain a license by fraudulent means or misrepresentation;

(11) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a license or any data attached to the application, or in any matter involving the department;

(12) Permitted, aided, or abetted the commission of any illegal act on the adult family home premises;

(13) Willfully prevented or interfered with or failed to cooperate with any inspection, investigation, or monitoring visit made by the department, including refusal to permit authorized department representatives to interview residents or have access to their records;

(14) Failed or refused to comply with:

(a) A condition imposed on a license or a stop placement order; or

(b) The requirements of chapters 70.128, 70.129, 74.34 RCW, this chapter or other applicable laws and regulations.

(15) Misappropriated property of a resident, unless such action requires a license denial under WAC 388-76-10120;

(16) Exceeded licensed capacity in the operation of an adult family home;

(17) Operated a facility for the care of children or adults without a license or with a revoked license;

(18) In connection with the operation of any facility for the care of children or adults, relinquished or returned a license, or did not seek license renewal following written notification that the licensing agency intended to deny, suspend, or revoke the license, unless such action requires a license denial under WAC 388-76-10120;

(19) When providing care to children or vulnerable adults, has had resident trust funds or assets seized by the Internal Revenue Service or a state entity for failure to pay income or payroll taxes;

(20) Failed to meet financial obligations as the obligations fell due in the normal course of owning or operating a business

involved in the provision of care and services to children or vulnerable adults;

(21) Has failed to meet personal financial obligations;

(22) Interfered with a long-term care ombudsman or department staff in the performance of his or her duties;

(23) Has not demonstrated financial solvency or management experience in its currently licensed homes, or has not demonstrated the ability to meet other relevant safety, health, and operating standards pertaining to the operation of multiple homes, including ways to mitigate the potential impact of vehicular traffic related to the operation of the homes; or

(24) The home is currently licensed:

(a) As a boarding home; or

(b) To provide care for children in the same home, unless:

(i) It is necessary in order to allow a resident's child(ren) to live in the same home as the resident or to allow a resident who turns eighteen to remain in the home;

(ii) The applicant provides satisfactory evidence to the department of the home's capacity to meet the needs of children and adults residing in the home; and

(iii) The total number of persons receiving care and services in the home does not exceed the number permitted by the licensed capacity of the home.

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

**WAC 388-76-10955 Remedies--Department must impose remedies.**

~~((The department must impose a remedy or remedies if the department finds any person listed in WAC 388-76-10950 has:~~

~~(1) A history of prior violations of chapter 70.128 RCW or any law relating to residential care facilities within the past five years that resulted in revocation, suspension, or non-renewal of a license or contract with the department;~~

~~(2) When providing care or services to children or vulnerable adults:~~

~~(a) Been found to be in significant noncompliance with federal or state regulations; or~~

~~(b) Had a license for the care of children or vulnerable adults suspended or revoked.~~

~~(3) Been enjoined from operating a facility for the care and services of children or adults;~~

~~(4) A stipulated finding of fact, conclusion of law, an agreed order, finding of fact, conclusion of law, final order issued by a disciplining authority or final decision by any federal or state agency or department, a court of law, or entered into a state registry or department or agency list with a finding of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW;~~

~~(5) Had a revocation or suspension of a license for the care of children or adults;~~

~~(6) Had a revocation, cancellation, suspension or nonrenewal~~

of:

~~(a) A Medicaid or Medicare provider agreement by the contracting agency; or~~

~~(b) Any agreement with a public agency for the care and treatment of children or vulnerable adults, when the action was taken by the public agency.~~

~~(7) Been convicted of any crime listed in RCW 43.43.830 or 43.43.842;~~

~~(8) Been found by a court:~~

~~(a) In a protection proceeding under chapter 74.34 RCW to have abandoned, neglected, abused, or financially exploited a vulnerable adult; or~~

~~(b) In a domestic relations proceeding under Title 26 RCW to have sexually or physically abused, neglected or exploited any minor.~~

~~(9) Been found in any final decision issued by a disciplinary board to have:~~

~~(a) Sexually or physically abused, neglected or exploited any minor or a person with a developmental disability; or~~

~~(b) Abandoned, abused, neglected or financially exploited any vulnerable adult.~~

~~(10) Found in any dependency action under RCW 13.34.030 (5) (b) to have sexually or physically abused, neglected or exploited any minor; or~~

~~(11) Failed to pay the annual licensing fee)) (1) The department must impose a remedy or remedies if the department substantiates a complaint involving harm to a resident and violation of an applicable law or rule.~~

~~(2) The department must impose a remedy or remedies if the department substantiates, after licensure, that it has been less than twenty years since the adult family home provider voluntarily surrendered or relinquished an adult family home license in lieu of department initiated denial, suspension, nonrenewal, or revocation of a license.~~

~~(3) The department must impose a remedy or remedies if the department finds any person listed in WAC 388-76-10950:~~

~~(a) Has a history of significant noncompliance with federal or state laws or regulations in the provision of care or services to children or vulnerable adults;~~

~~(b) Has been 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 conviction;~~

~~(c) Has been convicted of "crimes relating to financial exploitation" as defined in RCW 43.43.830, unless the crime is theft in 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;~~

~~(d) Has been found in any final decision issued by a disciplining authority to have abused, neglected, financially exploited, or abandoned a minor or vulnerable adult;~~

~~(e) Has been convicted of a crime in federal court or in the court of any other state, and the department determines that the conviction is equivalent to a conviction under subsection (3) (b) or (3) (c) above;~~

~~(f) Is listed on a state registry with a finding of abuse,~~

neglect, financial exploitation, or abandonment of a minor or vulnerable adult; or

(g) Has been the subject of a finding or conclusion by a court of law that the individual abused, neglected, financially exploited, or abandoned a minor or vulnerable adult. Examples of legal proceedings in which such findings could be made include juvenile court proceedings under chapter 13.34 RCW, domestic relations proceedings under Title 26 RCW, and vulnerable adult protection proceedings under chapter 74.34 RCW.

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

**WAC 388-76-10960 Remedies--Department may impose remedies.**

~~((The department may impose a remedy or remedies if the department finds any person listed in WAC 388-76-10950 has:~~

~~(1) Been convicted of a crime:~~

~~(a) As defined under RCW 43.43.830 or 43.43.842;~~

~~(b) Relating to financial exploitation as defined under RCW 43.43.830 or 43.43.842;~~

~~(c) Or a felony against a person if the conviction reasonably relates to the competency of the person to own or operate an adult family home;~~

~~(d) Involving a firearm used in the commission of a felony or in any act of violence against a person;~~

~~(e) Or engaged in illegally selling or distributing drugs, illegal use of drugs or excessive use of alcohol within the past five years without the evidence of rehabilitation.~~

~~(2) Been found by a court in a protection proceeding under chapter 74.34.RCW to have abandoned, abused, neglected, or financially exploited a vulnerable adult;~~

~~(3) Been found in a final decision issued by a disciplinary board to have sexually or physically abused, neglected or exploited any minor person or a person with a developmental disability or to have abused or financially exploited any vulnerable adult;~~

~~(4) Been found in any dependency action under RCW 13.34.030(5) to have sexually abused, neglected or exploited any minor or to have physically abused any minor;~~

~~(5) Been found in a court domestic relations proceeding under Title 26 RCW to have:~~

~~(a) Sexually abused, neglected or exploited any minor or to have physically abused any minor;~~

~~(b) Committed an act of domestic violence toward a family or household member.~~

~~(6) Had a sanction, corrective, or remedial action taken by federal, state, county, or municipal officials or safety officials related to the care or treatment of children or vulnerable adults;~~

~~(7) Obtained or attempted to obtain a license by fraudulent means or misrepresentation;~~

~~(8) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a license or any data attached to the application or in any matter under~~

investigation by the department;

~~(9) Permitted, aided, or abetted the commission of any illegal act on the adult family home premises;~~

~~(10) Willfully prevented or interfered with or failed to cooperate with any inspection, investigation or monitoring visit made by the department;~~

~~(11) Failed or refused to comply with:~~

~~(a) A condition imposed on a license or a stop placement order;~~

~~(b) The applicable requirements of chapters 70.128, 70.129, 74.34 RCW or this chapter.~~

~~(12) Misappropriated property of a resident;~~

~~(13) Been denied a license or license renewal to operate a facility that was licensed to care for children or vulnerable adults;~~

~~(14) Exceeded licensed capacity in the operation of an adult family home;~~

~~(15) Operated a facility for the care of children or adults without a license or revoked license;~~

~~(16) Relinquished or returned a license in connection with the operation of any facility for the care of children or adults, or did not seek license renewal following written notification of the licensing agency's intention of denial, suspension, cancellation or revocation of a license;~~

~~(17) Had resident trust funds or assets of an entity providing care to children or vulnerable adults seized by the Internal Revenue Service or a state entity for failure to pay income or payroll taxes;~~

~~(18) Failed to meet financial obligations as the obligations fell due in the normal course of business, thereby impeding the ability to provide care and services to residents;~~

~~(19) Refused to permit authorized department representatives to interview residents or to have access to resident records or home;~~

~~(20) Interfered with a long-term care ombudsman or department staff in the performance of his or her duties; or~~

~~(21) Found to be in noncompliance with the requirements established in chapters 70.128, 70.129, 74.34 RCW, this chapter or other applicable laws and regulations)) The department may impose a remedy or remedies if the department finds any person listed in WAC 388-76-10950:~~

~~(1) Has been convicted of:~~

~~(a) Any felony that the department determines is reasonably related to the competency of the person to be involved in the ownership or operation of an adult family home; or~~

~~(b) A crime involving a firearm used in the commission of a felony or in any act of violence against a person.~~

~~(2) Has engaged in the illegal use, sale or distribution of drugs or excessive use of alcohol or drugs without the evidence of rehabilitation;~~

~~(3) Has committed an act of domestic violence toward a family or household member;~~

~~(4) Has been found in any final decision of a federal or state agency to have abandoned, neglected, abused, or financially exploited a vulnerable adult, unless such decision requires imposition of a remedy under WAC 388-76-10955;~~

- (5) Has had a license for the care of children or vulnerable adults denied, suspended, revoked, or not renewed;
- (6) Has a history of violations of chapter 70.128 RCW, or any law regulating residential care facilities, that resulted in revocation, suspension, or nonrenewal of a license with the department;
- (7) Has been enjoined from operating a facility for the care and services of children or adults;
- (8) Has had a Medicaid or Medicare provider agreement or any other contract for the care and treatment of children or vulnerable adults, terminated, cancelled, suspended, or not renewed by any public agency, including a state Medicaid agency;
- (9) Has been the subject of a sanction, corrective, or remedial action taken by federal, state, county, or municipal officials or safety officials related to the care or treatment of children or vulnerable adults;
- (10) Has obtained or attempted to obtain a license by fraudulent means or misrepresentation;
- (11) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a license or any data attached to the application, or in any matter involving the department;
- (12) Permitted, aided, or abetted the commission of any illegal act on the adult family home premises;
- (13) Willfully prevented, interfered with, or failed to cooperate with any inspection, investigation, or monitoring visit made by the department, including refusal to permit authorized department representatives to interview residents or have access to their records;
- (14) Failed or refused to comply with:
- (a) A condition imposed on a license or a stop placement order; or
- (b) The requirements of chapters 70.128, 70.129, 74.34 RCW, this chapter or any other applicable laws.
- (15) Misappropriated property of a resident, unless such action requires a remedy under WAC 388-76-10955;
- (16) Exceeded licensed capacity in the operation of an adult family home;
- (17) Operated a facility for the care of children or adults without a license or with a revoked license;
- (18) In connection with the operation of any facility for the care of children or adults, relinquished or returned a license, or did not seek license renewal following written notification that the licensing agency intends to deny, suspend, cancel or revoke the license, unless such action requires imposition of a remedy under WAC 388-76-10955;
- (19) When providing care to children or vulnerable adults, has had resident trust funds or assets seized by the Internal Revenue Service or a state entity for failure to pay income or payroll taxes;
- (20) Failed to meet financial obligations as the obligations fell due in the normal course of owning or operating a business involved in the provision of care and services to children or vulnerable adults;
- (21) Has failed to meet personal financial obligations and that failure has resulted in a failure to provide necessary care

and services to the residents; or

(22) Interfered with a long-term care ombudsman or department staff in the performance of his or her duties.