STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Home and Community Living Administration
Residential Care Services • P.O. Box 45600 • Olympia, Washington 98504

April 14, 2026

HCLA: NH #2026-017
Clarify Information Regarding Compliance with FTAG 600 Resident to Resident Abuse

Dear Administrator:

The purpose of this letter is to provide you with clarifying information about compliance with F600, §483.12 Freedom from Abuse, Neglect, and Exploitation, specifically, resident-to-resident abuse. When the Center for Medicare and Medicaid Services (CMS) released their new nursing home regulations in November 2017, the release included expanded guidance for prevention of abuse. Residential Care Services (RCS) provided information to providers specific to resident-to-resident abuse in a provider/administrator letter. Refer to ALTSA: 019-001.

State Operations Manual Appendix PP - Guidance to Surveyors for Long Term Care Facilities

§483.12(a)(1) states "each resident has the right to be free from abuse, neglect and corporal punishment of any type by anyone." §483.5 defines abuse as "the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish." Abuse includes "deprivation by an individual, including a caretaker, of goods or services that are necessary to attain or maintain physical, mental, and psychosocial well-being." Willful means "the individual must have acted deliberately, not that the individual must have intended to inflict injury or harm." Involuntary actions are not willful. Mental disorder or cognitive impairment does not automatically preclude a resident from engaging in deliberate or non-accidental actions.

Surveying and Investigation

Residential Care Services (RCS) will investigate resident-to-resident altercations as a potential situation of abuse. Surveyors must determine whether the incidents meet the definition of abuse. In determining facility compliance with F600, the surveyors will investigate if the residents' actions were deliberate (willful), not inadvertent or accidental, regardless of whether the residents intended to inflict injury or harm. An example of a deliberate ("willful") action would be a resident with cognitive impairment who strikes another resident within reach, as opposed to a resident with a neurological disease who has involuntary movements (e.g., muscle spasms, twitching, or jerking) and the movements impact another resident.

RCS staff must follow CMS Appendix PP guidance when surveying and investigating resident-to-resident incidents. If the survey team or investigator has collected evidence that abuse has

occurred in resident-to-resident incidents, it is appropriate for RCS to cite the facility current or past noncompliance at F600-Free from Abuse and Neglect. Additional regulatory guidance is found in CMS Appendix PP.

Provider Responsibilities

Sections §§1819(c)(1)(A)(ii) and 1919(c)(1)(A)(ii) of the Social Security Act provide that "each resident has the right to be free from, among other things, physical or mental abuse and corporal punishment." The facility must provide a safe resident environment and protect residents' rights to be free from abuse. Protecting the health and safety of residents remains at the forefront of providers' efforts to prevent resident-to-resident abuse, and any abuse. Ensure facility policy and procedures promote the rights of each resident to be free from verbal, sexual, physical, and mental abuse. Train staff on residents' rights to be free from abuse and F600, §483.12 Freedom from Abuse, Neglect, and Exploitation requirements so they understand the definition of abuse and meaning of willful.

Providers are still required to make initial and five working days follow up reports to the state hotline to meet federal and state licensure requirements for mandatory reporting. They are required to investigate incidents, protect residents, and take corrective action.

Prevention of abuse includes monitoring resident behaviors that may provoke resident reactions and protect residents from these behaviors. Take the necessary action to prevent these behaviors escalating into resident-to-resident altercations. Examples include:

- Verbally aggressive behavior, such as screaming, cursing, bossing around/demanding, insulting to race or ethnic group, intimidating;
- Physically aggressive behavior, such as hitting, kicking, grabbing, scratching; pushing/shoving, biting, spitting, threatening gestures, throwing objects;
- Sexually aggressive behavior such as saying sexual things, inappropriate touching/grabbing;
- Taking, touching, or rummaging through other's property; and
- Wandering into other's rooms/space.

Thank you for your continued commitment to promoting resident rights to be free from abuse and safeguarding their health and safety. If you have any questions, please contact your local Field Manager.

Sincerely,

Amy Abbott, Director
Residential Care Services