STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Home and Community Living Administration
Residential Care Services • PO BOX 45600 • Olympia, WA

09/15/2026

HCLA: AFH #2026-039
ALF #2026-038
ESF #2026-027
Legal Counsel for Long-Term Care Program Update

Dear Provider/Administrator:

Last year the Department of Social and Health Services (DSHS) informed you of new rules that went into effect January 1, 2026. The rules require residents with Medicaid living in Adult Family Homes, Assisted Living Facilities and Enhanced Services Facilities be informed about legal services in any written notice of transfer or discharge.

The Office of Civil Legal Aid (OCLA) runs the Legal Counsel for Long-Term Care Program. This letter is to let you know that the program may now assist a Medicaid-eligible resident when they are at risk of being transferred or discharged, even if they haven't received a written notice yet. Legal issues that could lead to a discharge or transfer, such as disruptions in payment, decision maker concerns, or others, could potentially be assisted by this program. With the resident's permission, an attorney may talk with the provider, DSHS, or others to look for a solution before the resident is issued a notice of transfer or discharge.

How does it work?

- A provider may give the resident or their representative the screening line information or make a referral by calling 888-437-0017. Intake will contact the resident or representative directly.
- Attorneys represent the resident and provide legal assistance but cannot promise a specific outcome.
- Attorneys do not:
    - provide general case management;
    - complete routine Medicaid applications; or
    - independently arrange alternative settings.
- Not every referral will result in representation. Some residents may receive one or more of the following: information, self-help materials, or direct connection with other resources.
- Residents who have received a written notice of transfer or discharge will be prioritized if program capacity is reached.

Resources:
Legal Counsel for Long-Term Care | Office of Civil Legal Aid
WAC 388-76-10617
WAC 388-78A-2661
WAC 388-107-0281

For questions related about this letter or about transfer or discharge requirements please contact rcspolicy@dshs.wa.gov.

Sincerely,

Amy Abbott, Director
Residential Care Services

DSHS: *"Partnering with People"*