



Adult Family Home Residency Agreement Informational Presentation

Presenter

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Agenda

Residency Agreements

Why are they required?

What terms are REQUIRED?

Discharge/Transfer Notices

What are the AFH's obligations?

Office of Civil and Legal Aid Legal Counsel for Long-Term Care (LTC) Program

What is the purpose of this program?

What AFHs should expect.

Questions?



Why are Residency Agreements Required?

Authorities:

- a. Code of Federal Regulations (CFR)
[42 CFR 441.530](#) Home and Community Based Setting
- b. Revised Code of Washington (RCW)
[RCW 70.129](#) Resident Rights
- c. Washington Administrative Code (WAC)
[WAC 388-76-10617](#) Resident rights—
Transfer and discharge notice— Residents
with medicaid as a payor.



Code of Federal Regulations

Legally Enforceable Agreement

- [42 CFR 441.530](#)
 - [Provider Owned and Controlled Settings](#)
 - Residents have at a minimum same responsibilities and protections from evictions as tenants have under landlord – tenant law of the jurisdiction ([Residential Landlord-Tenant Act](#))
 - **For settings where the RLTA does not apply:**
 - A lease, residency agreement or other written agreement must be in place for each participant
 - Protections and eviction processes and appeals comparable to RLTA



Revised Code of Washington

Long-Term Care Resident Rights

- [70.129](#) AFH Agree to Comply with LTC Resident Rights
 - [70.129.110](#) Disclosure, transfer, and discharge requirements.
 - Reasons for appropriate, legal discharge/transfer
 - Before discharge, must attempt resolution through reasonable accommodation to avoid the discharge/transfer
 - Provide notice and the reasons for the move in writing and in a language and manner they understand
 - Effective date for discharge/transfer
 - Reason for transfer
 - Location to which resident is transferred/discharged
 - Ombuds and other resources names, address, telephone
 - Must provide sufficient preparation to ensure safe and orderly transfer



Washington Administrative Code

Written Residency Agreement

Medicaid as Payor

- [WAC 388-76-10506](#)
 - Signed at admission
 - Agree to comply with RCW 70.129
 - Signed by legal representative/resident upon admission
 - Facility to provide notice to residents before discharge/transfer including info about:
 - Legal resources and notice that residents have right to legal counsel upon notice or discharge or transfer
 - Copy signed and dated by both parties
 - Kept in resident record
 - Provide copy to resident or representative



Washington Administrative Code

Discharge / Transfer Notice

Medicaid as Payor

- [WAC 388-76-10617](#)
 - Discharge Transfer Notice must include, at a minimum:
 - Contact info legal services
 - Subject to legislative appropriation you have a right to a free lawyer to help you respond to a notice of transfer or discharge. If you want a free lawyer to help you, please call the long-term care discharge defense screening line at [phone number]
 - Within 3 calendar days:
 - Provide copy to resident's assigned department case manager
 - Provide copy to WA State Long Term Care / DD Ombuds
 - Go to WAC, review additional notice requirements



Office of Civil and Legal Aid

[Legal Counsel for Long-Term Care \(LTC\) Program](#)

- Legal Assistance, Advice and Representation to Medicaid-eligible residents of AFHs—helping residents who face discharge or transfer to:
 - Understand their rights
 - Access timely legal assistance
 - Avoid unsafe or unlawful removals/evictions
- Services Provided:
 - Intake and screening—eligibility, identify urgent needs, connect residents with services
 - Legal Representation—legal advice, negotiation, administrative hearing representation and Unlawful determiner defense for residents facing removal
 - Works in partnership with Ombuds and other community programs



What AFHs Should Expect

- To comply with CFR, RCW & WAC
- To provide information regarding OCLA Legal Counsel LTC Program
- To be responsive to legal and other communications and requests for records
- RCS to review admissions agreement at inspections
- Medicaid contract monitoring



QUESTIONS?

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