

Home and Community Based Settings Information Sessions Sept 17, Sept 23, Oct 9, 2025 Compiled Questions and Answers

Questions unrelated to this rulemaking project are not contained in this document. Please contact rcspolicy@dshs.wa.gov if you have questions.

| Advocate Preview Session September 15, 2025 | |
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| Question #1 | Must the facility still attempt to provide a reasonable accommodation before discharging a resident? |
| Answer #1 | Yes. RCW 70.129.110(3)(a) requires “First attempt through reasonable accommodations to avoid the transfer or discharge, unless agreed to by the resident” ... The new rules do not remove any current requirements. |

| Session #1 September 17, 2025 | |
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| Question #1 | Is there a sample residency agreement with all requirements outlined? |
| Answer #1 | You can use WACs 388-76-10506(5), 388-78A-2651(5), and 388-107-0161(5) as a template. |
| Question #2 | For consistency of application, fairness, etc., would it not be better for DSHS to create a template/Form Residency Agreement similar to other states (i.e. Minnesota, Ohio, Pennsylvania). From a regulatory standpoint would seem unnecessarily risky to be expecting each Provider to create a template that may/may not have the necessary elements. |
| Answer #2 | The WACs contain a “template” for use by facilities. See Answer #1. |
| Question #3 | Is a residency agreement the same as an admission agreement? It seems these are supposed to be two different documents can you clarify if that is correct? |

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| Answer #4 | These are two different documents. “Residency agreement” is defined in the new WACs and specific to residents with Medicaid. |
| Question #5 | Will the residency Agreement required to be signed every 24 months (i.e. WAC 388-76-10530 (1))? |
| Answer #5 | No. |
| Question #6 | Can we add residency agreements into the admission agreement? |
| Answer #6 | Yes. The residency agreement can be included in the admission agreement, as long as it has the required elements. See answer #1. |
| Question #7 | If a client has legal counsel involved, how much can that realistically extend or delay a discharge process? |
| Answer #8 | The intent of the rule is to inform residents of the legal protections they are entitled to under federal law. A copy of the transfer or discharge notice must be given to the Long-term Care Ombuds and DSHS case manager. They may be able to assist the resident and help resolve issues earlier in the process. |
| Question #8 | Why was it necessary to come up with residency agreement rule? what is the idea behind it? |
| Answer #8 | Federal rules for Home and Community Based Settings (HCBS) require HCBS settings to have written agreements with Medicaid residents that provide protections related to eviction and appeals comparable to those provided by the Landlord Tenant Act. DSHS needed to adopt rules to comply with the federal requirements. |
| Question #9 | When we send over a discharge notice to a case manager it typically creates an intake call into the CRU /hotline to have the AFH go under investigation. When it is sent over to the Ombudsman office, will we also get an investigation for this, or will RCS combine the two investigations? |
| Answer #9 | The DSHS Complaint Resolution Unit follows standard operating procedures (SOP) for screening and assigning reports. You can find the SOP here: Chapter 4 - CRU.pdf . |
| Question #10 | What will be the Ombudsman’s role once they receive the notice, and how soon should the facility expect a visit from the Ombudsman office/department to ensure the resident’s rights have not been violated? |

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| Answer #10 | (Teams chat answer from a regional Ombuds, present) “Ombuds try our very best to respond to resident requests within 72 hours. At the very least by phone. Better yet in person.” |
| Question #11 | Will facilities be going to the same court that nursing homes deal with now? |
| Answer #11 | Disputed nursing home discharges go through the administrative appeals process, which is different. |
| Question #12 | How many new forms are we supposed to have the resident sign by January 6, 2026. |
| Answer #12 | The new residency agreement must be in place by January 1, 2026. |
| Question #13 | When are these rules effective? |
| Answer #13 | The rules are effective January 1, 2026. |
| Question #14 | I don’t understand about legal advisors' involvement in this. |
| Answer #14 | The long-term care legal defense screening line will have attorneys who can assist eligible residents in response to a disputed notice of transfer or discharge. |
| Question #15 | When will you send out the check list of what we need to have on the agreement |
| Answer #15 | DSHS is still working on the draft. It will be available before January 1, 2026, and we will send a Provider/Administrator letter to let facilities know when this form and others are available. |

| Session #2 September 23, 2025 | |
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| Question #1 | How will this affect the 30-day notice rule? |
| Answer #1 | This rulemaking does not change the 30-day notice requirements. The rules add new requirements, in addition to existing requirements. |
| Question #2 | In Supported Living clients have a lease so does this apply to this setting? They pay their own rent. |

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| Answer #2 | The rules do not apply to Supported Living settings. |
| Question #3 | Is there an email address or fax number for these notices to be sent to Ombuds? As far as I know, we only have a phone number for them? |
| Answer #3 | Phone: 1-800-562-6028. Fax: (253) 815-8173. Email:ltcop@mschelps.org . Mail: P.O. Box 23699, Federal Way, WA 98093-0699. |

October 9 Session questions will be posted here after the session.