

SHB 1218 Language	Existing rules (Just content relevant to statute)	Gaps	What we found in research	Potential directions to go with rule recommendations	Potential Recommendations
<p>Sec. 4. A new section is added to chapter 18.20 RCW to read as follows: (1) Each assisted living facility shall be responsive to incoming communications and respond within a reasonable time to phone and electronic messages.</p>	<p>WAC 388-78A-2930 Communication system. (c) Provide residents, families, and other visitors with a means to contact a staff person inside the building from outside the building after hours.</p>	<p>respond within a reasonable time to phone and electronic messages.</p>	<p>FL: Arrangement for post-disaster activities including responding to family inquiries</p>	<p>Providers have policies for responding to incoming phone and electronic communications</p>	<p>New Section if doesn't cleanly fit Flexibility to allow designee off site to respond to emergency contacts Reasonable is situational; instead of defining in rule use language as written in bill ALF: build into communication 2930</p>
<p>Sec. 9. A new section is added to chapter 18.51 RCW to read as follows: (1) Each nursing home must be responsive to incoming communications and respond within a reasonable time to phone and electronic messages.</p>	<p>Look at SOM Appendix PP</p>	<p>respond within a reasonable time to phone and electronic messages.</p>	<p>FL: Arrangement for post-disaster activities including responding to family inquiries</p>		<p>NH: New section for communication systems</p>
<p>Sec. 15. A new section is added to chapter 70.97 RCW to read as follows: (1) Each enhanced services facility must be responsive to incoming communications and respond within a reasonable time to phone and electronic messages.</p>	<p>WAC 388-107-1005 Call systems on resident care units. (6) Provide residents, families, and other visitors with a means to contact a staff person inside the building from outside the building after hours.</p>	<p>respond within a reasonable time to phone and electronic messages.</p>	<p>FL: Arrangement for post-disaster activities including responding to family inquiries</p>		<p>ESF: New section for communication systems</p>

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Sec. 4. (2) Each assisted living facility must have a communication system, including a sufficient quantity of working telephones and other communication equipment, to ensure that residents have 24-hour access to communications with family, medical providers, and others, and also to allow for emergency contact to and from facility staff.	WAC 388-78A-2930 Communication system. (1) The assisted living facility must: (2) The assisted living facility must provide one or more nonpay telephones: (a) In each building located for ready access for staff persons; and (b) On the premises with reasonable access and privacy by residents. (3) The assisted living facility must equip each resident room with access to telephone service. (5) The facility must provide wireless internet access.	other communication equipment, to ensure that residents have 24-hour access to communications with family, medical providers, and others,	CA: Process for communicating with residents, families, hospice providers, and others, as appropriate, that might include landline telephones, cellular telephones, or walkie-talkies. A backup process shall also be established. Residents and their responsible parties shall be informed of the process for communicating during an emergency. CT: Each assisted living services agency shall have a communication system adequate to receive requests and referrals for service, maintain verbal contact with health service personnel at all times when they are providing services to clients, receive calls from clients under the care of the agency and tenants residing in the community and maintain contact as needed with the client's source of medical care and other providers of care, if applicable.	Plans describe other communication including electronic messaging and internet that is available to residents during emergency Providers have policy in place for using other equipment and for 24 hour access Providers have means for other communications including electronic and internet The other equipment allows for 24 hour access	Repeating language in 1218 may make most sense Build on new section created for responsiveness ALF: Build into 2930
		to allow for emergency contact to and from facility staff.		The system or communication methods the provider chooses allows for contact to and from facility staff	ALF: Build into 2930
Sec. 9. (2) Each nursing home must have a communication system, including a sufficient quantity of working telephones and other communication equipment to ensure that residents have 24-hour access to communications with family, medical providers, and others, and also to allow for emergency contact to and from facility staff.	WAC 388-97-2300 Telephones on resident care units. The nursing home must provide twenty-four hour access to a telephone for resident use which: (1) Provides auditory privacy; (2) Is accessible to a person with a disability and accommodates a person with sensory impairment; (3) Is not located in a staff office or at a nurse's station; and (4) Does not require payment for local calls.	other communication equipment, to ensure that residents have 24-hour access to communications with family, medical providers, and others,	CA: Process for communicating with residents, families, hospice providers, and others, as appropriate, that might include landline telephones, cellular telephones, or walkie-talkies. A backup process shall also be established. Residents and their responsible parties shall be informed of the process for communicating during an emergency.	Plans describe other communication including electronic messaging and internet that is available to residents during emergency Providers have policy in place for using other equipment and for 24 hour access Providers have means for other communications including electronic and internet	NH: New communication system section
		to allow for emergency contact to and from facility staff.		The system or communication methods the provider chooses allows for contact to and from facility staff	NH: New communication system section
Sec. 15. (2) Each enhanced services facility must have a communication system, including a sufficient quantity of working telephones and other communication equipment to assure that residents have 24-hour access to communications with family, medical providers, and others, and also to allow for emergency contact to and from facility staff.	WAC 388-107-1010 Telephone on resident care units. The facility must provide twenty-four hour access to a telephone for resident use which: (1) Provides auditory privacy; (2) Is accessible to a resident with a disability and accommodates a resident with sensory impairment; (3) Is not located in a staff office or at a nurse's station; (4) Does not require payment for local calls; and (5) Does not utilize any cords.	other communication equipment, to ensure that residents have 24-hour access to communications with family, medical providers, and others,	CA: Process for communicating with residents, families, hospice providers, and others, as appropriate, that might include landline telephones, cellular telephones, or walkie-talkies. A backup process shall also be established. Residents and their responsible parties shall be informed of the process for communicating during an emergency.	Plans describe other communication including electronic messaging and internet that is available to residents during emergency Providers have policy in place for using other equipment and for 24 hour access Providers have means for other communications including electronic and internet The other equipment allows for 24 hour access	ESF: New communication system section
		to allow for emergency contact to and from facility staff.		The system or communication methods the provider chooses allows for contact to and from facility staff	ESF: New communication system section

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Sec. 25. RCW 70.129.080 and 1994 c 214 s 9 are each amended to read as follows: The resident has the right to privacy in communications, including the right to: (1) Send and promptly receive mail that is unopened; (2) Have access to stationery, postage, and writing implements at the resident's own expense; and (3) Have reasonable access within a <u>reasonable time</u> to the use of a telephone and <u>other communication equipment</u> where calls can be made without being overheard.	WAC 388-76-10600 Resident rights—Mail and telephone privacy. The adult family home must ensure each resident's right to privacy in communications, including the right to: (1) Send and receive unopened mail without delay; (2) Have writing paper, postage, and pens or pencils available that have been paid for by the resident; and (3) Have twenty-four hour per day access to a telephone to make and receive confidential calls.	Have reasonable access within a reasonable time to the use of a telephone and other communication	CA: To have a reasonable level of personal privacy in accommodations, medical treatment, personal care and assistance, visits, communications, telephone conversations, use of the Internet, and meetings of resident and family groups.	Add internet and electronic communications Accesibility for deaf, hard of hearing, those who require assistance use with communications; interpreters Language accesibility	Internet, to the extent available to the facility For the ability to make phone calls. Can keep language close to statute Does this make sense for all settings? AFH: Update 10600
	WAC 388-78A-2930 Communication system. (1) The assisted living facility must: (c) Provide residents, families, and other visitors with a means to contact a staff person inside the building from outside the building after hours. (2) The assisted living facility must provide one or more nonpay telephones: (a) In each building located for ready access for staff persons; and (b) On the premises with reasonable access and privacy by residents. (3) The assisted living facility must equip each resident room with access to telephone service.	Have reasonable access within a reasonable time to the use of a telephone and other communication	CA: To have a reasonable level of personal privacy in accommodations, medical treatment, personal care and assistance, visits, communications, telephone conversations, use of the Internet, and meetings of resident and family groups.	Add internet and electronic communications Accesibility for deaf, hard of hearing, those who require assistance use with communications; interpreters Language accesibility	ALF: Update 2930
	WAC 388-97-0540 Telephone. The resident has the right to have twenty-four hour access to a telephone which: (1) Provides auditory privacy; (2) Is accessible to an individual with a disability and accommodates an individual with sensory impairment; and (3) Does not include the use of telephones in staff offices and at the nurses station(s).	Have reasonable access within a reasonable time to the use of a telephone and other communication	CA: To have a reasonable level of personal privacy in accommodations, medical treatment, personal care and assistance, visits, communications, telephone conversations, use of the Internet, and meetings of resident and family groups.	Add internet and electronic communications Accesibility for deaf, hard of hearing, those who require assistance use with communications; interpreters Language accesibility	NH: Update 0540
	WAC 388-107-1010 Telephone on resident care units. The facility must provide twenty-four hour access to a telephone for resident use which: (1) Provides auditory privacy; (2) Is accessible to a resident with a disability and accommodates a resident with sensory impairment; (3) Is not located in a staff office or at a nurse's station; (4) Does not require payment for local calls; and (5) Does not utilize any cords.	Have reasonable access within a reasonable time to the use of a telephone and other communication	CA: To have a reasonable level of personal privacy in accommodations, medical treatment, personal care and assistance, visits, communications, telephone conversations, use of the Internet, and meetings of resident and family groups.	Add internet and electronic communications Accesibility for deaf, hard of hearing, those who require assistance use with communications; interpreters Language accesibility	NH: Update 1010

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<p>Sec. 5. A new section is added to chapter 18.20 RCW to read as follows:</p> <p>(2) The department shall adopt rules governing the comprehensive disaster preparedness plan. At a minimum, the rules must address:</p> <ul style="list-style-type: none"> - Timely communication with the residents' emergency contacts; - timely communication with state and local agencies, long-term care ombuds, and developmental disabilities ombuds; - contacting and requesting emergency assistance; 	<p>WAC 388-78A-2700</p> <p>Emergency and disaster preparedness.</p> <p>(1) The assisted living facility must:</p> <p>(2) Develop and maintain a current disaster plan describing measures to take in the event of internal or external disasters, including, but not limited to:</p> <p>(vi) Emergency communication plan.</p>	<p>Timely communication with the residents' emergency contacts</p>	<p>FL: Arrangement for post-disaster activities including responding to family inquiries</p>	<p>Add criteria under emergency communication plan which includes describing means or procedures for communicating with emergency contacts</p> <p>Describe in plans timely communication with emergency contacts</p>	<p>ALF: updating communications plan in 2700</p>
	<p>388-78A-2650</p> <p>Reporting fires and incidents.</p> <p>The assisted living facility must immediately report to the department's aging and disability services administration:</p> <p>(1) Any accidental or unintended fire, or any deliberately set but improper fire, such as arson, in the assisted living facility;</p> <p>(2) Any unusual incident that required implementation of the assisted living facility's disaster plan, including any evacuation of all or part of the residents to another area of the assisted living facility or to another address; and</p> <p>(3) Circumstances which threaten the assisted living facility's ability to ensure continuation of services to residents.</p>	<p>Timely communication with state and local agencies (not including department)</p>	<p>388-78A-2650 requires immediate reporting to department for incident that causes implementation of disaster plan</p> <p>CA: Means of contacting local agencies such as fire department, law enforcement agencies, civil defense and other disaster authorities.</p> <p>CA: Incidents such as disasters required to be reported within 24 hours to licensing agency and local health officer (if applicable)</p> <p>MA: (5) Each facility shall ensure a reliable means is available at all times, in accordance with Department guidelines; for:</p> <p>(a) sending information to the Department regarding incidents and emergencies occurring on the premises; and</p> <p>(b) receiving information from the Department and other state and local authorities in the event of an emergency.</p>	<p>Add criteria under emergency communication plan which includes describing means or procedures for communicating with local agencies when</p> <ul style="list-style-type: none"> - disaster plan activated or potential or - Potential or actual risk to health and safety of residents <p>Describe in plans timely communication with state and local agencies</p>	<p>ALF: updating communications plan in 2700</p>
		<p>Timely communication with ombuds, DD ombuds</p>		<p>Add criteria under emergency communication plan which includes describing means or procedures for communicating with ombuds</p> <p>Describe in plans timely communication with ombuds</p>	<p>ALF: updating communications plan in 2700</p>
		<p>contacting and requesting emergency assistance;</p>		<p>Add criteria to plans describing means or procedures for contacting and requesting emergency assistance</p>	<p>ALF: updating communications plan in 2700</p>

<p>Sec. 11. A new section is added to chapter 18.51 RCW to read as follows: (2) The department shall adopt rules governing the comprehensive disaster preparedness plan. At a minimum, the rules must address the following if not already adequately addressed by federal requirements for emergency planning: Timely communication with the residents' emergency contacts; timely communication with state and local agencies, long-term care ombuds, and developmental disabilities ombuds; contacting and requesting emergency assistance;</p>	<p>WAC 388-97-1640 Required notification and reporting. (1) The nursing home must immediately notify the department's aging and disability services administration of: (b) Any unusual event, having an actual or potential negative impact on residents, requiring the actual or potential implementation of the nursing home's disaster plan. These unusual events include but are not limited to those listed under WAC 388-97-1740 (1)(a) through (k), and could include the evacuation of all or part of the residents to another area of the nursing home or to another address; and (c) Circumstances which threaten the nursing home's ability to ensure continuation of services to residents. (7) The nursing home must report any case or suspected case of a reportable disease to the appropriate department of health officer and must also notify the appropriate department(s) of other health and safety issues, according to state and local laws.</p> <p>WAC 388-97-1740 Disaster and emergency preparedness. (1) The nursing home must develop and implement detailed written plans and procedures to meet potential emergencies and disasters.</p>	Timely communication with the residents' emergency contacts	FL: Arrangement for post-disaster activities including responding to family inquiries	Add criteria under emergency communication plan which includes describing means or procedures for communicating with emergency contacts	NH: Add subsection for communication plan under 1740 that describes means/process and procedures that describes how NH will communicate with emergency contacts during emergency	
		Timely communication with state and local agencies (not including department)	<p>WAC 388-97-1640 requires immediate reporting to department for incident that causes implementation of disaster plan</p> <p>42 CFR 483.73(c)(3) Primary and alternate means for communicating with the following: (i) LTC facility's staff. (ii) Federal, State, tribal, regional, or local emergency management agencies.</p> <p>CA: Means of contacting local agencies such as fire department, law enforcement agencies, civil defense and other disaster authorities. CA: Incidents such as disasters required to be reported within 24 hours to licensing agency and local health officer (if applicable)</p> <p>MA: (5) Each facility shall ensure a reliable means is available at all times, in accordance with Department guidelines; for: (a) sending information to the Department regarding incidents and emergencies occurring on the premises; and (b) receiving information from the Department and other state and local authorities in the event of an emergency.</p>	Potentially add describing primary and alternate means to communicate with emergency contacts and ombuds	Add criteria to disaster plan requirements	NH: Add subsection for communication plan under 1740 that describes means/process and procedures that describes how NH will communicate with state and local agencies during emergency
		Timely communication with ombuds, DD ombuds				NH: Add subsection for communication plan under 1740 that describes means/process and procedures that describes how NH will communicate with ombuds during emergency
		contacting and requesting emergency assistance;				NH: Add subsection for communication plan under 1740 that describes means/process and procedures that describes who NH will contact and request emergency assistance from and how they will contact them

<p>Sec. 16. A new section is added to chapter 70.97 16RCW to read as follows: (2) The department shall adopt rules governing the comprehensive disaster preparedness plan. At a minimum, the rules must address: Timely communication with the residents' emergency contacts; timely communication with state and local agencies, long-term care ombuds, and developmental disabilities ombuds; contacting and requesting emergency assistance;</p>	<p>WAC 388-107-0610 Reporting fires and incidents. The enhanced services facility must immediately report to the department: (1) Any accidental or unintended fire, or any deliberately set but improper fire, such as arson, in the enhanced services facility; (2) Any missing resident, once the initial search for the resident is completed and 911 is notified; (3) Any unusual incident that requires implementation of the enhanced services facility's disaster plan, including any evacuation of all or part of the residents to another area of the enhanced services facility or to another address; and (4) Circumstances which threaten the enhanced services facility's ability to ensure continuation of services to residents.</p> <p>WAC 388-107-1600 Emergency disaster plan. (1) The enhanced services facility must develop and implement detailed written plans and procedures to meet potential emergencies and disasters.</p>	Timely communication with the residents' emergency contacts	FL: Arrangement for post-disaster activities including responding to family inquiries	Add criteria under emergency communication plan which includes describing means or procedures for communicating with emergency contacts	ESF: Add subsection for communication plan under 1600 that describes means/process and procedures that describes how NH will communicate with emergency contacts during emergency
		Timely communication with state and local agencies (not including department)	WAC 388-107-0610 requires immediate reporting to department for incident that causes implementation of disaster plan CA: Means of contacting local agencies such as fire department, law enforcement agencies, civil defense and other disaster authorities. CA: Incidents such as disasters required to be reported within 24 hours to licensing agency and local health officer (if applicable) MA: (5) Each facility shall ensure a reliable means is available at all times, in accordance with Department guidelines; for: (a) sending information to the Department regarding incidents and emergencies occurring on the premises; and (b) receiving information from the Department and other state and local authorities in the event of an emergency.		ESF: Add subsection for communication plan under 1600 that describes means/process and procedures that describes how NH will communicate with state and local agencies during emergency
		Timely communication with ombuds, DD ombuds			ESF: Add subsection for communication plan under 1600 that describes means/process and procedures that describes how NH will communicate with ombuds during emergency
		contacting and requesting emergency assistance		Add criteria to plans describing means or procedures for contacting and requesting emergency assistance	ESF: Add subsection for communication plan under 1600 that describes means/process and procedures that describes who NH will contact and request emergency assistance from and how they will contact them

State	Statute	Website								
CA	HSC Article 6 1569.695	https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1569.695.&lawCode=HSC								
	22 CCR § 87211	https://www.cdss.ca.gov/inforesources/letters-regulations/legislation-and-regulations/community-care-licensing-regulations/residential								
	22 CCR § 87212									
	22 CCR § 87468.2									
CT	Sec. 19-13-D105	https://eregulations.ct.gov/eRegsPortal/Browse/RCSA?id=Title_19Subtitle_19-13-DSection_19-13-d105&content=19-13-d105/								
FL	FAC 59A-36	https://www.flrules.org/gateway/ChapterHome.asp?Chapter=59a-36								
	FAC 59A-4	https://www.flrules.org/gateway/ChapterHome.asp?Chapter=59A-4								
MA	105 CMR 150.000	https://www.mass.gov/doc/105-cmr-150-standards-for-long-term-care-facilities/download								

State	Statute	Website
CA	HSC Article 6 1569.695	https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1569.695.&lawCode=HSC
	22 CCR § 87211	https://www.cdss.ca.gov/inforesources/letters-regulations/legislation-and-regulations/community-care-licensing-regulations/residential
	22 CCR § 87212	
	22 CCR § 87468.2	
CT	Sec. 19-13-D105	https://eregulations.ct.gov/eRegsPortal/Browse/RCSA?id=Title_19Subtitle_19-13-DSection_19-13-d105&content=19-13-d105/
FL	FAC 59A-36	https://www.flrules.org/gateway/ChapterHome.asp?Chapter=59a-36
	FAC 59A-4	https://www.flrules.org/gateway/ChapterHome.asp?Chapter=59A-4
MA	105 CMR 150.000	https://www.mass.gov/doc/105-cmr-150-standards-for-long-term-care-facilities/download