



SHB 1218 Rule Updates ALF Q & A Session September 2025

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- Background
- Review of WAC changes
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Background

House Bill 1218 passed in the 2021 legislative session requiring new sections and amendments to WAC 388-76, WAC 388-78A, WAC 388-97, and WAC 388-107 regarding:

- Communication
- Disaster Preparedness (coming soon- separate project)
- Infection control
- Visitation
- Stop placement
- Resident information



Review of WAC Changes: Assisted Living Facilities

- **WAC 388-78A-2020: Definitions**
 - Adding the definition of an essential support person
- **WAC 388-78A-2390: Resident Records**
 - Adding additional groups of people the resident has the right to contact
 - Adding resident's emergency contact communication
- **WAC 388-78A-2440: Resident Register**
 - Adding requirements in RCW 18.20.095
- **WAC 388-78A-2450: Staff**
 - Adding a timeline to staff training specific to the disaster plan training
- **WAC 388-78A-2600: Policies and Procedures**
 - Adding coordination with local and state agencies and LTC ombuds

Review of WAC Changes: Assisted Living Facilities (Continued)

- **WAC 388-78A-2610: Infection Control**
 - Adding element for regular maintenance and ordering of PPE in a preparedness capacity
- **WAC 388-78A-2660: Resident Rights**
 - Adding contact with the Essential Support Person
- **WAC 388-78A-2730 Licensee's responsibilities**
 - Adding requirement to post stop placement orders in the facility.
- **WAC 388-78A-2930 Communication system**
 - Adds language that non-pay phones for residents is to allow communication between residents and family and entities important to them.

Amended

WAC 388-78A-2020: Definitions

"Essential Support Person" means an individual who is: at least 18 years of age; designated by the resident, or by the resident's representative, if the resident is determined to be incapacitated or otherwise legally incapacitated; and necessary for the resident's emotional, mental, or physical well-being during situations that include, but are not limited to, circumstances involving compassionate care of end-of-life care, circumstances where visitation from a familiar person will assist with important continuity of care or the reduction of confusion and anxiety for residents with cognitive impairments, or other circumstances where the presence of an essential support person will prevent or reduce significant emotional distress to the resident.

AMENDED

WAC 388-78A-2390 Resident records.

The assisted living facility must maintain adequate records concerning residents to enable the assisted living facility:

- (1) To effectively provide the care and services agreed upon with the resident; ~~((and))~~
- (2) To allow the resident to communicate with family, medical providers, and others; and
- (3) To respond appropriately in emergency situations, including, but not limited to, contacting the residents' emergency contact.

AMENDED

WAC 388-78A-2440 Resident register.

(1) The assisted living facility must maintain in the assisted living facility a single current register of all assisted living facility residents, their roommates, and identification of the rooms in which such persons reside or sleep, as required under the resident roster in RCW 18.20.095.

(2) The assisted living facility must maintain a readily available permanent, current book, computer file, or register with entries in ink or typewritten, of all individuals who resided in the assisted living facility within the past five years, including:

- (a) Move-in date;
- (b) Full name;
- (c) Date of birth;
- d) Date of moving out;
- (e) Reason for moving out; and
- (f) Location and address to which the resident was discharged.

(3) The assisted living facility must make this register immediately available to:

- (a) Authorized department staff;
- (b) Representatives of the long-term care ombud's office; and
- (c) Representatives of the Washington state fire marshal when conducting fire safety inspections.

Reference

RCW [18.20.095](#)

Resident contact information—Department requirements and duties.

(1) The department shall require each assisted living facility to:

(a) Create and regularly maintain a current resident roster containing the name and room number of each resident and provide a written copy immediately upon an in-person request from any long-term care ombuds;

(b) Create and regularly maintain current, accurate, and aggregated contact information for all residents, including contact information for the resident representative, if any, of each resident. The contact information for each resident must include the resident's name, room number, and, if available, telephone number and email address. The contact information for each resident representative must include the resident representative's name, relationship to the resident, phone number, and, if available, email and mailing address;

(c) Record and update the aggregated contact information required by this section, upon receipt of new or updated contact information from the resident or resident representative; and

(d) Upon the written request of any long-term care ombuds that includes reference to this section and the relevant legal functions and duties of long-term care ombuds, provide a copy of the aggregated contact information required by this section within 48 hours, or within a reasonable time if agreed to by the requesting long-term care ombuds by electronic copy to the secure email address or facsimile number provided in the written request...

Reference

RCW [18.20.095](#)

Resident contact information—Department requirements and duties.

... continued

(2) In accordance with the federal older Americans act, federal regulations, and state laws that govern the state long-term care ombuds program, the department shall inform assisted living facilities that:

(a) Any long-term care ombuds is authorized to request and obtain from assisted living facilities the information required by this section in order to perform the functions and duties of long-term care ombuds as set forth in federal and state laws;

(b) The state long-term care ombuds program and all long-term care ombuds are considered a "health oversight agency," so that the federal health insurance portability and accountability act and chapter [70.02](#) RCW do not preclude assisted living facilities from providing the information required by this section when requested by any long-term care ombuds, and pursuant to these laws, the federal older Americans act, federal regulations, and state laws that govern the state long-term care ombuds program, facilities are not required to seek or obtain consent from residents or resident representatives prior to providing the information required by this section in accordance with the requirements of this section;

Reference

RCW [18.20.095](#)

Resident contact information—Department requirements and duties.

... continued

(c) The information required by this section, when provided by an assisted living facility to a requesting long-term care ombuds, becomes property of the state long-term care ombuds program and is subject to all state and federal laws governing the confidentiality and disclosure of the files, records, and information maintained by the state long-term care ombuds program or any local long-term care ombuds entity; and

(d) The assisted living facility may not refuse to provide or unreasonably delay providing the resident roster, the contact information for a resident or resident representative, or the aggregated contact information required by this section on any basis, including on the basis that the facility must first seek or obtain consent from one or more of the residents or resident representatives.

(3) Nothing in this section shall interfere with or diminish the authority of any long-term care ombuds to access facilities, residents, and resident records as otherwise authorized by law.

(4) For the purposes of this section, "resident representative" has the same meaning as in RCW [70.129.010](#).

AMENDED

WAC 388-78A-2450 Staff.

(1) Each assisted living facility must provide sufficient, trained staff persons to:
(showing only amended section for space purposes)

...(h) Provide staff orientation and appropriate training for expected duties when staff begin work in the facility, including, but not limited to:

- (i) Organization of the assisted living facility;
- (ii) Physical assisted living facility layout;
- (iii) Specific duties and responsibilities;
- (iv) How to report resident abuse and neglect consistent with chapter 74.34 RCW and assisted living facility policies and procedures;
- (v) Policies, procedures, and equipment necessary to perform duties;
- (vi) Needs and service preferences identified in the negotiated service agreements of residents with whom the staff persons will be working; (~~and~~)
- (vii) Resident rights, including without limitation, those specified in chapter 70.129 RCW ; and
- (viii) The facility's comprehensive disaster plan and related on duty staff procedures.

...

AMENDED

WAC 388-78A-2600 Policies and procedures.

(1) The assisted living facility must develop and implement policies and procedures in support of services that are provided and are necessary to:

(showing only amended section for space purposes)

...

(q) To coordinate with state and local agencies and ombuds;

(r) Regarding the management of pets in the assisted living facility, if permitted, consistent with WAC 388-78A-2620;

((f))(s) When receiving and responding to resident grievances consistent with RCW 70.129.060; and

((s)) (t) Related to providing respite care services consistent with RCW 18.20.350, if respite care is offered.

...

AMENDED

WAC 388-78A-2610 Infection control

(2) The assisted living facility must:

(showing only amended section for space purposes)

...

(c) Maintain and provide staff persons with the necessary training, supplies, equipment, and personal protective ((clothing)) equipment for preventing and controlling the spread of infections ((÷)) by:

(i) Maintaining a list of vendors and suppliers; and

(ii) Ordering supplies when necessary.

(d) Provide all resident care and services according to current acceptable standards for infection control;

(e) Perform all housekeeping, cleaning, laundry, and management of infectious waste according to current acceptable standards for infection control; and

(f) Report communicable diseases in accordance with the requirements in chapter 246-100 WAC.

AMENDED

WAC 388-78A-2660 Resident rights.

(showing only amended section for space purposes)

(8) In circumstances in which limitations must be placed on resident visitation due to a public health emergency or other threat to the health and safety of the residents and staff of a facility or nursing home, residents must still be allowed access to an essential support person, subject to reasonable limitations on such access tailored to protecting the health and safety of essential support persons, residents, and staff, as defined in WAC 388-78A-2020.

AMENDED

WAC 388-78A-2730 Licensee's responsibilities.

(showing only amended section for space purposes)

...

(2)The licensee must:

(C)...and

(iv) Post stop placement and limited stop placement orders as required in RCW 18.20.520.

Reference

RCW [18.20.520](#)

Stop placement orders and limited stop placement orders.

The department must require an assisted living facility that is subject to a stop placement order or limited stop placement order under RCW [18.20.190](#) to publicly post in a conspicuous place at the facility a standardized notice that the department has issued a stop placement order or limited stop placement order for the facility. The standardized notice shall be developed by the department to include the date of the stop placement order or limited stop placement order, any conditions placed upon the facility's license, contact information for the department, contact information for the administrator or provider of the assisted living facility, and a statement that anyone may contact the department or the administrator or provider for further information. The notice must remain posted until the department has terminated the stop placement order or limited stop placement order.

AMENDED

WAC 388-78A-2930 Communication system.

(showing only amended section for space purposes)

...

(2) The assisted living facility must provide one or more nonpay telephones to allow for communication between residents and their family members, medical providers, the resident's emergency contact, interested parties, ombuds, and other individuals the resident chooses to communicate with outside of the facility: and
(c) Accessible for resident use 24/7.

SUMMARY

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QUESTIONS

Questions

Can the essential support persons (ESP) be a family member that is under the age of 18?

See WAC 388-78-A-2020:

The ESP must be 18 or older.

Where do we have to post the stop placement notice, and for how long?

See RCW 18.20.520:

- In a conspicuous place
- Until the order is lifted



REFERENCES

- [1218-S.SL.pdf](#)
- [Chapter 70.129 RCW: LONG-TERM CARE RESIDENT RIGHTS](#)
- [Chapter 18.20 RCW: ASSISTED LIVING FACILITIES](#)
- [Chapter 388-78A WAC:](#)



Thank you

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