



SHB 1218 Rule Updates ESF Q & A Session September 2025

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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 (coming soon-separate project)
- Visitation
- Stop placement
- Resident information

Review of WAC Changes: Enhanced Services Facilities

- **WAC 388-107-0001: Definitions**
 - Adding the definition of essential support person
- **WAC 388-107-0570: Resident Records – System**
 - Adding reference to RCW 70.97.205
- **WAC 388-107-1010 Telephone on resident care units.**
 - Adding reference to RCW 70.97.195
- **WAC 388-107-1430: Enforcement Authority – penalties and sanctions**
 - Adding posting of stop placement order per RCW 70.97.235
 - Adding a header: “civil penalties”

AMENDED

WAC 388-107-0001 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 388-107-0570 Resident records— System.

(showing only amended section for space purposes)

...

(3) The enhanced services facility must maintain a resident roster per RCW 70.97.205.

....

Reference

RCW [70.97.205](#)

Resident contact information—Department requirements and duties.

(1) The department shall require each enhanced services 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...

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Reference, continued

RCW [70.97.205](#)

Resident contact information—Department requirements and duties.

...

(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 enhanced services facilities that:

(a) Any long-term care ombuds is authorized to request and obtain from enhanced services 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 enhanced services 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;

(c) The information required by this section, when provided by an enhanced services 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 enhanced services 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 enhanced services 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 388-107-1010 Telephone on resident care units. The facility must provide ~~((twenty-four))~~ 24 hour access to a telephone for resident use per RCW 70.97.195, 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.

Reference

RCW [70.97.195](#)

Communication system—Telephones and other equipment.

(1) Each enhanced services facility must be responsive to incoming communications and respond within a reasonable time to phone and electronic messages.

(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. The telephones and communication equipment must provide for auditory privacy, not be located in a staff office or station, be accessible and usable by persons with hearing loss and other disabilities, and not require payment for local calls. An enhanced services facility is not required to provide telephones at no cost in each resident room.

AMENDED

(showing only amended sections for space purposes)

WAC 388-107-1430 Enforcement authority—Penalties and sanctions.

(1) In any case in which the department finds that a licensee of a facility, or any partner, officer, director, owner of five percent or more of the assets of the facility, managing employee, any person who may have unsupervised access to residents, or failed or refused to comply with the requirements of this chapter or the rules established under them, the department may take any or all of the following actions:

- (a) Suspend, revoke, or refuse to issue or renew a license;
- (b) Order stop placement; or
- (c) Assess civil monetary penalties.

(2) Once a stop placement order or limited stop placement order is imposed, the enhanced services facility must post the stop placement order or limited stop placement order per RCW 70.97.235. ...

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AMENDED

(showing only amended sections for space purposes)

WAC 388-107-1430 Enforcement authority—Penalties and sanctions.

Continued

...(((3))) (4) Civil penalties:

(a) Civil penalties collected under this chapter must be deposited into a special fund administered by the department.

(b) Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day the facility is or was out of compliance. Civil monetary penalties must not exceed (~~three thousand dollars~~) \$3,000 per day. Each day upon which the same or a substantially similar action occurs is a separate violation subject to the assessment of a separate penalty.

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Reference

RCW [70.97.235](#)

Stop placement orders and limited stop placement orders.

The department shall require an enhanced services facility that is subject to a stop placement order or limited stop placement order under RCW [70.97.110](#) 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 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.

SUMMARY

- **WAC 388-107-0001: Definitions**
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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 388-107-0001:

The ESP must be 18 or older.

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

See RCW 70.97.235:

- In a conspicuous place
- Until the order is lifted



REFERENCES

- [1218-S.SL.pdf](#)
- [Chapter 70.129 RCW: LONG-TERM CARE RESIDENT RIGHTS](#)
- [Chapter 70.97 RCW: ENHANCED SERVICES FACILITIES](#)
- [Chapter 388-107 WAC:](#)



Thank you

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