

## RESIDENTIAL CARE SERVICES – STANDARD OPERATING PROCEDURE (SOP)

<b>TITLE:</b> <b>ENFORCEMENT PROCESS GENERAL GUIDELINES – NH, AFH, ALF, AND ESF</b>	<b>ORIGINATOR:</b> Compliance & Enforcement <b>SUPERSEDES:</b> December 2012	<b>DOCUMENT ID NUMBER:</b> <i>To be issued by Policy Unit</i> <b>EFFECTIVE DATE:</b> February 2015
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### I. PURPOSE

To provide field staff with consistent direction on general guidelines for enforcement.

### II. SCOPE

Applies to the RCS Compliance & Enforcement Unit and the Field Operations Unit.

### III. OPERATIONAL REQUIREMENTS

- A. Licensees must begin correction of any violation as soon as they are notified of a deficiency.
- B. The Field Manager must consult with the Compliance Specialist for additional visits/citations for homes that are currently under any one or more enforcement action (suspension, revocation, stop placement and/or condition(s)).
- C. **Adult Family Homes only:** If the field has conducted an inspection of a home licensed to a multiple home provider and has determined serious non-compliance leading to enforcement actions, the field must inspect the other homes owned by the provider to determine if the same or substantially the same deficient practice is present.

### IV. FORMS AND ATTACHMENTS

None

### V. PROCEDURES

- A. When a licensor/surveyor/investigator and Field Manager identify non compliance that requires an enforcement remedy, the Field Manager will:
  1. Notify the Compliance Specialist to recommend enforcement action based on the appropriate guidelines.
  2. Recommend fines if applicable, and whether or not the fine should be assessed on a daily basis.
  3. Determine whether or not an immediate safety plan is needed and develops the content of said plan in partnership with the Compliance Specialist.
  4. Consult with the Compliance Specialist, if the provider is an AFH, to determine whether a full inspection, follow-up, or complaint investigation needs to be performed in the other homes.
  5. Enter the enforcement action recommendation in the appropriate databases within the timeframes defined by investigation OPPs.
- B. The Compliance Specialist will:
  1. Prioritize the enforcement actions based on risk to residents.
  2. Follow procedures under the specific enforcement topic procedure.
- C. The Field Manager or designee will:
  1. Monitor the licensee for compliance.
    - a) If the licensee is not in compliance by day 90, the Field Manager will notify the Compliance Specialist and additional enforcement action may be recommended.

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**NOTE:** The exception to the 90 day timeframe may be a physical environment correction that takes a long time to correct.

2. Ensure that the enforcement action decision is entered into FMS or ASPEN.

### VI. AUTHORITY


All programs: [Chapter 34.05 RCW](#)

Adult Family Homes: [RCW 70.128.100](#), [RCW 70.128.160](#), [WAC 388-76](#)

Assisted Living Facilities: [RCW 18.20.190](#), [WAC 388-78A](#)

Nursing Homes: [RCW 18.51.060 through RCW 18.51.065](#), [RCW 74.42.580](#), [WAC 388-97](#)

Enhanced Services Facilities: [RCW 70.97.110 through RCW 70.97.120](#), [WAC 388-107](#)



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Date