

Residential Care Services (RCS)
Operational Principles and Procedures for
Adult Family Homes (AFHs) and Assisted Living Facilities (ALFs)
ENFORCEMENT PROCESS

SUMMARY SUSPENSION/REVOCAION OF A LICENSE, AND
STOP PLACEMENT OF NEW ADMISSIONS

I. Purpose

To provide RCS staff with consistent direction for summary suspension of a license, revocation of a license and a stop placement order prohibiting admissions (herein after called Summary Suspension) of an Adult Family Home (AFH) license or an Assisted Living Facility (ALF):

1. Fails or refuses to comply with regulations that place residents in imminent danger of harm.

II. Authority

Adult Family Homes:

[RCW 70.128.010](#)

[RCW 70.128.160](#)

[RCW 70.128.100](#)

[WAC 388-76-10955](#)

Assisted Living Facilities:

[RCW 18.20.190](#)

[WAC 388-78A-3190](#)

[Chapter 34.05 RCW](#)

[WAC 388-78A-3160](#)

[WAC 388-78A-3200](#)

III. Operational Principles:

- A. Within ten (10) working days of completion of data collection:
 1. The field will send (by certified mail) the Statement of Deficiencies (SODs), cover letters and enforcement letters to the AFH/ALF when:
 - a. There is no enforcement action.
 2. Headquarters (HQ) will send (by certified mail) the SODs, cover letters and enforcement letters to AFH/ALFs when:
 - a. There is one or more of the following actions:
 - Suspension, revocation, stop placement, civil fines, and/or condition(s) on the license.
- B. Summary Suspension may be recommended if the department finds non-compliance such as:
 1. Serious physical harm to or death of a resident has occurred, or
 2. A serious threat to the life, health or safety of a resident exists.
- C. As soon as the above situation is recognized, the Field Manager will contact the Compliance Specialist.
- D. The Compliance Specialist will review the facts of the situation with the Office Chief of Field Operations and the Attorney General's Office.
- E. The Field Manager will contact HCS and/or DDA as appropriate, about the stop

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placement order prohibiting admissions effective immediately and possible summary suspension/revocation of the license recommendations.

- F. The AFH/ALF will be notified that the department has initiated a summary suspension of a license, revocation of a license and a stop placement order prohibiting admissions as soon as possible by personal delivery of the **NOTICE OF SUMMARY SUSPENSION** to enable immediate removal of the residents.
- G. The Field Manager will inform the resident's legal guardian that the department has initiated a Summary Suspension on an AFH/ALF.
- H. The department will consider the AFH/ALF's history of repeated and/or uncorrected violations of statutes and regulations that are similar to current violations when recommending revocation of the license and imposition of a stop placement order prohibiting resident admissions.
- I. The AFH/ALF will have an opportunity to question and/or clarify a SOD and/or imposition of remedies through the department's informal dispute resolution process.
- J. The AFH/ALF will have an opportunity to contest suspension of a license, revocation of a license and a stop placement order prohibiting admissions through the state administrative hearing process.
- K. Imposition of a stop placement order prohibiting admissions and a summary suspension of a license are effective immediately upon notification and are not postponed pending completion of informal dispute resolution or administrative hearing processes.
- L. The RA may review recommendations to suspend a license, revoke a license and impose a stop placement order prohibiting admissions for any purpose including, but not limited to, quality assurance activities and information sharing within the RCS management structure.

IV. Procedures

On-Site Data Analysis Related to Recommendations to Impose Summary Suspension/Revocation of a License and Stop Placement

A. The Licensor will:

- 1. Complete the inspection – focusing on issues leading to findings of imminent or actual harm or danger.
 - a. At the direction of the Compliance Specialist, the inspection may be completed after the summary suspension of the license resulting in amending the SOD to include other violations or non-compliance with regulations.
- 2. Notify the Field Manager immediately when there are findings of non-compliance such as serious, physical harm to or death of a resident has occurred; or that a serious threat to the life, health, or safety of a resident exists.
- 3. Critically analyze documented findings to verify completion of thorough data collection.

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- a. Confirm that the documentation answers pertinent questions (i.e. who, what, when, where, how and why) regarding failed deficient practices and related findings.
4. Determine the **scope** (number of residents impacted or potentially impacted) and **severity** (seriousness or extent of the impact or potential seriousness or extent of the impact on residents) of failed deficient practice.
5. Use the [Enforcement Options Chart](#) to help guide you when trying to determine which enforcement action is most appropriate.
6. Obtain a list of resident and family/legal representative names, addresses and telephone numbers to facilitate timely notification of possible departmental action.

Off-site Analysis/Process Related to Recommendations to Impose Summary Suspension/Revocation of License and Stop Placement

B. The Licensor will:

1. Consult with Field Manager immediately if findings of non-compliance such as:
 - a. Serious physical harm to or death of a resident has occurred; or
 - b. A serious threat to the life, health or safety of a resident exists; and
 - c. Summary suspension of a license, revocation of a license and a stop placement order prohibiting admissions to the home may be necessary to protect residents.
2. Document deficiencies on a SOD within two (2) working days of completion of data collection, that demonstrate findings of non-compliance such as:
 - a. Serious physical harm to or death of a resident has occurred; or
 - b. A serious threat to the life, health or safety of a resident exists.
 - c. Include pertinent repeated or uncorrected deficiencies since the date of initial licensure (related to the enforcement actions recommended).
3. Forward the original SOD, and resident and staff (when warranted) sample list to the Field Manager within two (2) working days or sooner of completion of data collection.
4. Meet with the Field Manager and review the completed SOD.
5. Prepare summary suspension letter to family and residents as follow-up communication on the enforcement action and relocation. Make copies of the letter and the SOD. Make sure letter includes proper contacts for HCS and/or DDA, and RCS. (**SEE [SAMPLE A](#))
6. If the provider is a multiple home provider, the licensor will make a referral to the Complaint Resolution Unit (CRU) for each of the provider's other homes in order to initiate the investigative process.
7. Verify that the enforcement letter from headquarters has the right provider, name, address, license number, dates and that the RCW and WAC violations coordinate with the SOD.

Regional Management Action Related to Recommendations

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C. The Field Manager will:

1. Consult with Licensors immediately if findings of non-compliance such as:
 - a. Serious physical harm to or death of a resident has occurred; or
 - b. A serious threat to the life, health or safety of a resident exists; and
 - c. Summary suspension of a license, revocation of a license and a stop placement order prohibiting admissions to the home may be necessary to protect residents.
2. Immediately notify the RA, Compliance Specialist and Office Chief of Field Operations or their designee/s when there is any situation involving the likelihood of life threatening risk to a resident (imminent risk, imminent harm) and/or when summary suspension may be recommended.
 - a. If an emergency exists, notify HCS and/or DDA as appropriate, about the stop placement order prohibiting admissions effective immediately and possible summary suspension/revocation of the license recommendations.
 - i. If the licensee operates more than one facility this information will be shared with HCS and/or DDA.
 - ii. Unless there are extenuating circumstances, notification to HCS and/or DDA must occur within eight hours once the enforcement decision is made.
 - b. Refer to the [ALF/AFH Closure Guidelines](#) when coordinating with other administrations that provide case management services.
 - c. In an emergency situation, upon Compliance Specialist direction, hand-deliver the initial letter of summary suspension to the AFH/ALF to enable immediate removal of the residents.
 - i. Follow up with an amended notice of summary suspension, license revocation and stop placement within three (3) working days.
 - d. Once the Summary Suspension letter has been delivered to the AFH/ALF, the Field Manager within one hour will notify the resident's legal guardian. However, there may be extenuating circumstances when family/guardians are not notified within the hour timeframe.
 - e. The FM will document the notification to the resident's legal guardian and HCS and/or DDA in the working papers in either Residential Care Services Notes form (DSHS 10-563) or Attachment L – ALF Notes/Worksheet.
3. When RCS is notified that a provider has a preliminary finding of abuse or neglect such as from Adult/Child Protective Services, the FM will:
 - i. Make a referral to CRU to initiate the investigative process
 - ii. Consider the level of risk to residents in the home; and
 - iii. Consult with Compliance Specialist and the Attorney General's Office to determine enforcement action.

Regional Management Action on SOD

D. The Field Manager will:

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1. Review, edit, and approve the SOD to determine accuracy, adequacy, clarity, thoroughness, and timeliness of the submission of the summary suspension, revocation of a license and stop placement order recommendations.
2. Review the SOD to ensure the document does not contain a request for a plan of correction.
3. Verify the following:
 - a. The deficiency citation(s) demonstrate findings of non-compliance such as:
 - i. Serious physical harm to or death of a resident has occurred; or
 - ii. A serious threat to the life, health or safety of a resident exists; and
 - iii. Summary suspension of a license, revocation of a license and a stop placement order prohibiting admissions to the home may be necessary to protect residents.
 - b. The recommendations to impose summary suspension correspond with the scope (number of residents impacted or potentially impacted) and severity (seriousness or extent of the impact or potential seriousness or extent of the impact on residents) of the deficiency citation(s) and correlate with statute(s) or regulation(s) cited.
 - c. The correct legal requirement (RCW, WAC) is identified for the enforcement actions recommended.
4. Accept the SOD as submitted or modify or delete any portion.
 - a. Field Managers will review changes in the summary suspension, license revocation and stop placement order recommendations with RCS staff.
5. Notify the Compliance Specialist that the SOD is in FMS and ready for review.
6. Fax resident and staff (when warranted) sample list and signed front page of SOD to the Compliance Specialist administrative support staff within two (2) working days or sooner of completion of data collection unless, the Office Chief of Field Operations or their designee has determined the imminent danger of harm to the residents has been removed.
7. Following the Office Chief of Field Operations or designee's decision to summary suspend the license, coordinate with the Compliance Specialist to personally serve the SOD, resident and staff sample list (when warranted), and enforcement letter to the AFH/ALF.

Action For On-Site Related to Summary Suspension

E. The Field Manager will:

1. Make two packets of information that includes the SOD, copies of formal notice letter, and business cards to hand out during the summary suspension. One set for the AFH/ALF to keep and one set acknowledging AFH/ALF receipt. Bring enough business cards to give to AFH/ALF and to residents or representatives.

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2. Assess the risk and determine if law enforcement needs to be present on-site when delivering the enforcement action notice. Consult with RA, Compliance Specialist and Office Chief of Field Operations or designee as needed.
3. HCS and/or DDA will be notified within eight hours of department's decision on enforcement action and coordinate with HCS and/or DDA the immediate removal of residents from the facility. However, there may be extenuating circumstances when HCS and/or DDA are not notified within the eight hour timeframe.
4. Discuss the notice and inform the AFH/ALF of their hearing and informal dispute resolution rights including when the revocation is final. Discuss stop placement. Leave business card for questions.
5. Once the Summary Suspension letter has been delivered to the AFH/ALF, the Field Manager within one hour will notify the resident's legal guardian. However, there may be extenuating circumstances when family/guardians are not notified within the hour timeframe.
6. Inform the AFH/ALF to call when last resident is out of home.
7. Have the AFH/ALF send or bring in the license when the suspension is official.
8. If AFH/ALF refuses to sign receipt of documents, note on formal notice and SOD the documents were left with the AFH/ALF and he or she chose not sign it. *Also note this on the copy you bring back to the office.*
9. Notify the Washington State Ombuds' office of the initiation of the summary suspension as appropriate.

The Licensor will:

1. Talk to residents who are cognitively aware and let them know about the closure and relocation. Offer all residents the letter.

Regional Management Action Follow-Up

F. The Field Manager will:

1. Upon direction by the Compliance Specialist, send licensing or complaint investigation staff to verify status of compliance of AFH/ALF licensee's other licensed homes not subject of the current actions, in or out of the region.
2. Follow-up to ensure the letters get out to families and/or representatives the same day or next day after a summary suspension or revocation has been initiated. (***)*SEE [SAMPLE B](#)*
3. Follow-up to ensure family/guardians were notified, for those the FM was unable to contact during the on-site facility notification or within the hour timeline.

Headquarters Management Action Related to Recommendations

G. The Compliance Specialist will:

1. Notify the Office Chief of Field Operations or their designee immediately if there are

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findings of non-compliance such as:

- a. Serious physical harm to or death of a resident has occurred; or
 - b. A serious threat to the life, health or safety of a resident exists; or
 - c. Summary suspension of a license, revocation of a license and a stop placement order prohibiting admissions to the home may be necessary to protect residents.
2. Consult with the Office Chief of Field Operations or their designee to determine if:
 - a. The situation is imminent and if necessary, develop a safety plan for residents;
 - b. The summary suspension or revocation occurs on Friday afternoon or after hours.
 3. Consult with the Attorney General's Office to ensure the decision is not in conflict with state or federal rules or laws and identify timeframes to close the facility based on the situation.
 4. Obtain the Office Chief of Field Operations or their designee's final approval and decision to suspend a license, revoke a license and impose a stop placement order prohibiting admissions within three (3) working days or sooner of completion of data collection.
 5. Notify the Field Manager per telephone about the Office Chief of Field Operations final decision and request that the Field Manager confirm the initiation of suspension and revocation of a license and immediate stop placement order prohibiting admissions with the AFH/ALF (and HCS and/or DDA as appropriate).
 6. If an emergency exists, request that the Field Manager notify by telephone the AFH/ALF, as well as HCS and/or DDA about the stop placement order prohibiting admissions effective immediately and possible summary suspension/revocation of the license recommendations.
 - a. There may be an emergency, where, with approval of the Office Chief of Field Operations or their designee, it is necessary to instruct the Field Manager to deliver an initial summary suspension letter to enable immediate removal of residents.
 - b. An amended letter of summary suspension, license revocation and stop placement letter will follow within three (3) working days.

Headquarters Management Action on SOD

H. The Compliance Specialist will:

1. Review the SOD with the Attorney General's Office to determine if a sufficient basis exists to approve the enforcement action recommendations.
2. Approves or agrees with the recommendation to suspend a license, revoke a license and impose a stop placement order prohibiting admissions, or modify or delete any portion.
 - a. Discuss the reason for the modification or deletion with the Field Manager who will review changes with RCS staff.
3. Coordinate with the field office, or Field Manager, personal service delivery or

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certified mail delivery of the SOD, resident and staff (when warranted) sample list and enforcement letter (if completed) to the AFH/ALF within three (3) working days of completion of data collection.

- a. The letter should include:
 - i. The initiation of the summary suspension, license revocation, imposition of a stop placement order prohibiting admissions,
 - ii. The effective date of all actions, and
 - iii. Information regarding the AFH/ALF's informal dispute resolution and hearing rights.
4. Direct HQ Administrative Support Staff to send copies of the SOD with applicable enforcement letter(s) to the Field Manager, RA and Assistant Attorney General (AAG).
5. Direct HQ Administrative Support Staff to notify applicable parties (i.e., HCS, DDA, Ombuds, etc.) about enforcement actions initiated, via mail or e-mail distribution of enforcement letter(s) and the SOD.

Headquarters Management Action Follow-Up

I. The Compliance Specialist may:

1. Direct Field Manager to send staff out to AFH/ALF licensee's other homes, in or out of region, to determine compliance.

J. The Compliance Specialist will:

2. Request vendor services terminate the AFH/ALF's Medicaid contract, unless a hearing is requested within twenty (20) days.
3. When the compliance history is reviewed, (and with approval by the Office Chief of Field Operations or their designee), notify the Complaint Resolution Unit (CRU) of other regions where the AFH/ALF licensee has homes and request a complaint visit by staff to determine compliance status.