



STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
*Aging and Long-Term Support Administration*  
PO Box 45600, Olympia, WA 98504-5600

May 12, 2015

**ALTSA: ICF/IID #2015-005**  
**REPORTING NON-CONSENSUAL SEXUAL CONTACT**

Dear ICF/IID Superintendent:

Intimate and sexual relationships are a natural, positive, and healthy experience between consenting adults. However, in long-term care settings, when one or more adult is cognitively impaired, determining consensual and non-consensual sexual contact and/or relationships becomes difficult.

As defined by Washington State law, it is your obligation to protect the health and safety of residents by reporting all concerns of suspected non-consensual sexual contact and/or relationships.

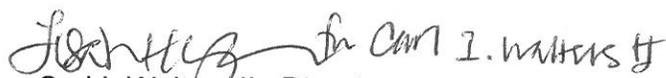
When there is reason to suspect sexual contact and/or relationships between residents are non-consensual, a report must be made pursuant to Chapter 74.34 RCW <http://app.leg.wa.gov/RCW/default.aspx?cite=74.34> and CFR 483.420(d)(2) <http://www.gpo.gov/fdsys/pkg/CFR-2011-title42-vol5/pdf/CFR-2011-title42-vol5-sec483-420.pdf>.

Facilities who fail to report, in accordance with RCW 74.34.035, will result in enforcement remedies. In cases where failure to report has been substantiated in the licensed Assisted Living facility or State Nursing Home segment of the ICF/IID, Residential Care Services will impose civil monetary penalties.

We realize the seriousness of these allegations. If you, or your staff, have any reason to suspect that non-consensual sexual contact and/or relationships have occurred, you must contact the Department's Complaint Resolution Unit hotline at 1-800-562-6078. In the event that an incident occurs in the licensed Assisted Living Facility or State Nursing Home segment of the ICF/IID and the Department is not notified, you may be faced with significant fines and other enforcement actions including, but not limited to, stop placement as applicable by law.

Thank you for your continued collaboration and attention to protecting the residents in your care.

Sincerely,

  
Carl I. Walters II., Director  
Residential Care Services

"Transforming Lives"