



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

AL TSA: NH #2015-019
REPORTING NON-CONSENSUAL SEXUAL CONTACT

Dear Nursing Facility/Home Administrator:

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 is 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 42 CFR 483.13 (c)(1)(iii) <http://www.gpo.gov/fdsys/pkg/CFR-2011-title42-vol5/pdf/CFR-2011-title42-vol5-sec483-13.pdf>.

Facilities who fail to report are subject to civil penalties pursuant to RCW 18.51.060 <http://apps.leg.wa.gov/rcw/default.aspx?cite=18.51.060> and the State Operation Manual (SOM) Chapter 7 <http://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107c07.pdf>. In cases where failure to report has been substantiated and CMS has imposed civil monetary penalties as part of their facility enforcement actions, Residential Care Services will also 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 there is an incident in the facility and the Department was 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"