



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

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STATE OF WASHINGTON
FILED

DATE: August 11, 2022

TIME: 12:25 PM

WSR 22-17-051

Agency: Department of Social and Health Services, Aging and Long-Term Care Administration, RCS

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: The purpose of these rules is to implement sections of ESHB 1120 (Chapter 203, Laws of 2021) that direct the department to adopt rules to reestablish inspection timelines for nursing homes, assisted living facilities, adult family homes, and enhanced services facilities.

Citation of rules affected by this order:

New: 388-76-10912 Inspection timelines, 388-78A-3141 Inspection timelines, 388-97-4361 Inspection timelines, 388-107-1421 Inspection timelines

Repealed:

Amended:

Suspended:

Statutory authority for adoption: RCW 18.20.090, 70.97.100, 70.97.230, 70.128.040, and 74.42.620

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-13-122 on 6/17/2022 (date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	<u>4</u>	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

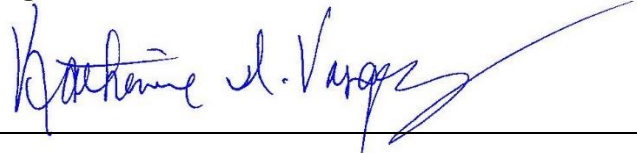
Negotiated rule making:	New	<u>3</u>	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: August 11, 2022

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



NEW SECTION

WAC 388-76-10912 Inspection timelines (1) In response to the COVID-19 pandemic, the governor suspended the requirement for the department to conduct full licensing inspections of adult family homes required by RCW 70.128.070(2)(b).

(2) During the suspension of the full licensing inspection requirements, the department continued to conduct complaint investigations in adult family homes when it became aware of information that indicated an immediate threat to resident health and safety may exist.

(3) The department must prioritize and resume full licensing inspections of adult family homes affected by the suspension of the inspection requirements by applying the following criteria collectively:

(a) The department has identified an ongoing threat to the health and safety of residents through one or more reported complaints, previous inspections, or previous investigations;

(b) Whether the adult family home has had a remedy imposed in the last 24 months; and

(c) The length of time since the last full licensing inspection of the adult family home.

(4) The department must conduct a full licensing inspection for adult family homes licensed after the reinstatement of RCW 70.128.070(2)(b) in accordance with the schedule set by that section.

NEW SECTION

WAC 388-78A-3141 Inspection timelines (1) In response to the COVID-19 pandemic, the governor suspended the requirement for the department to conduct full licensing inspections of assisted living facilities required by RCW 18.20.110.

(2) During the suspension of the full licensing inspection requirements, the department continued to conduct complaint investigations in assisted living facilities when it became aware of information that indicated an immediate threat to resident health and safety may exist.

(3) The department must prioritize and resume full licensing inspections of assisted living facilities affected by the suspension of the inspection requirements by applying the following criteria collectively:

(a) The department has identified an ongoing threat to the health and safety of residents through one or more reported complaints, previous inspections, or previous investigations;

(b) Whether the assisted living facility has had a remedy imposed in the last 24 months; and

(c) The length of time since the last full licensing inspection of the assisted living facility.

(4) The department must conduct a full licensing inspection for assisted living facilities licensed after the reinstatement of RCW 18.20.110 in accordance with the schedule set by that section.

NEW SECTION

WAC 388-97-4361 Inspection timelines (1) In response to the COVID-19 pandemic, the governor suspended the requirement for the department to conduct general periodic inspections of nursing homes under RCW 18.51.091 and 18.51.230.

(2) During the suspension of the general periodic inspection requirements, the department continued to conduct complaint investigations in nursing homes when it became aware of information that indicated an immediate threat to resident health and safety may exist.

(3) The department must prioritize and resume general periodic inspections of nursing homes affected by the suspension of the inspection requirements by applying the following criteria collectively:

(a) The department has identified an ongoing threat to the health and safety of residents through one or more reported complaints, previous inspections, or previous investigations;

(b) Whether the nursing home has had a state or federal remedy imposed in the last 24 months;

(c) The length of time since the last general periodic inspection of the nursing home; and

(d) Any requirements imposed by the centers for medicare and medicaid services, including those for facilities designated as special focus facilities.

(4) The department must conduct a general period inspection for nursing homes licensed after the reinstatement of RCW 18.51.091 and 18.51.230 in accordance with the schedule set by RCW 18.51.091(1) and 18.51.230(1), and chapter 388-97 WAC.

NEW SECTION

WAC 388-107-1421 Inspection timelines (1) In response to the COVID-19 pandemic, the governor suspended the requirement for the department to conduct full licensing inspections of enhanced services facilities required by RCW 70.97.160(1).

(2) During the suspension of the full licensing inspection requirements, the department continued to conduct complaint investigations in enhanced services facilities when it became aware of information that indicated an immediate threat to resident health and safety may exist.

(3) The department must prioritize and resume full licensing inspections of enhanced services facilities affected by the suspension of the inspection requirements by applying the following criteria collectively:

(a) The department has identified an ongoing threat to the health and safety of residents through one or more reported complaints, previous inspections, or previous investigations;

(b) Whether the enhanced services facility has had a remedy imposed in the last 24 months; and

(c) The length of time since the last full licensing inspection of the enhanced services facility.

(4) The department must conduct a full licensing inspection for enhanced services facilities licensed after the reinstatement of RCW 70.97.160(1) in accordance with the schedule set by that section.