

# Top Ten Citations First Quarter 2019

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Most Frequently Cited Assisted Living Facility Regulations CY 2019 Q1

Chapter Section	Chapter Description	Number of Citations with POC
WAC 388-78A-2700	Safety measures and disaster preparedness	100
WAC 388-78A-2120	Monitoring residents well-being	72
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WAC 388-78A-2320	Intermittent nursing services systems	36

# WAC 388-78A-2700

## Safety measures and disaster preparedness.

- ▶ Investigate and document investigative actions and findings for any alleged or suspected neglect or abuse or exploitation, accident or incident jeopardizing or affecting a resident's health or life. The assisted living facility must:
  - ▶ Determine the circumstances of the event;
  - ▶ When necessary, institute and document appropriate measures to prevent similar future situations if the alleged incident is substantiated; and
  - ▶ Protect other residents during the course of the investigation.

# WAC 388-78A-2120

## Monitoring residents' well-being

- ▶ The assisted living facility must:
- ▶ (1) **Observe** each resident consistent with his or her assessed needs and negotiated service agreement;
- ▶ (2) **Identify** any changes in the resident's physical, emotional, and mental functioning that are a:
  - ▶ (a) Departure from the resident's customary range of functioning; or
  - ▶ (b) Recurring condition in a resident's physical, emotional, or mental functioning that has previously required intervention by others.
- ▶ (3) **Evaluate**, in order to determine if there is a need for further action:
  - ▶ (a) The changes identified in the resident per subsection (2) of this section; and
  - ▶ (b) Each resident when an accident or incident that is likely to adversely affect the resident's well-being, is observed by or reported to staff persons.
- ▶ (4) **Take appropriate action** in response to each resident's changing needs.

# WAC 388-78A-2210

## Medication services

An assisted living facility providing medication service must:

- ▶ Develop and implement systems that support and promote safe medication service for each resident.

The assisted living facility must ensure residents receive their medications as prescribed for each resident who requires **medication assistance** and/or **medication administration** and his or her negotiated service agreement indicates the assisted living facility will provide assistance/administration.

# WAC 388-78A-2600

## Policies and procedures

The assisted living facility must **develop, implement and train** staff persons on policies and procedures to address what staff persons must do:

- ▶ Related to suspected abandonment, abuse, neglect, exploitation, or financial exploitation of any resident
- ▶ When there is reason to believe a resident is not capable of making necessary decisions and no substitute decision maker is available
- ▶ When a substitute decision maker is no longer appropriate
- ▶ When a resident stops breathing or a resident's heart appears to stop beating, including, but not limited to, any action staff persons must take related to advance directives and emergency care
- ▶ When a resident does not have a personal physician or health care provider
- ▶ In response to medical emergencies

# WAC 388-78A-2600

## Policies and procedures

- ▶ To supervise and monitor residents, including accounting for residents who leave the premises;
- ▶ To appropriately respond to aggressive or assaultive residents, including, but not limited to:
  - ▶ Actions to take if a resident becomes violent;
  - ▶ Actions to take to protect other residents; and
  - ▶ When and how to seek outside intervention
- ▶ To prevent and limit the spread of infections
- ▶ To manage residents' medications, sending medications with a resident when the resident leaves the premises

# WAC 388-78A-2100

## On-going assessments

The assisted living facility must:

- ▶ Complete a full assessment addressing the elements set forth in WAC [388-78A-2090](#) for each resident at least annually
- ▶ Complete an assessment specifically focused on a resident's identified problems and related issues:
  - ▶ Consistent with the resident's change of condition as specified in WAC [388-78A-2120](#)
  - ▶ When the resident's negotiated service agreement no longer addresses the resident's current needs and preferences
  - ▶ When the resident has an injury requiring the intervention of a practitioner
  - ▶ **Ensure** the staff person performing the on-going assessments is **qualified** to perform them



# WAC 388-78A-2140

## Negotiated service agreement contents

The assisted living facility must develop, and document in the resident's record, the agreed upon plan to address and support each resident's assessed capabilities, needs and preferences, including the following:

- ▶ The plan to provide assistance with activities of daily living, if provided by the assisted living facility;
- ▶ The plan to provide necessary intermittent nursing services, if provided by the assisted living facility;
- ▶ The plan to provide necessary health support services, if provided by the assisted living facility;
- ▶ The resident's preferences for how services will be provided, supported and accommodated by the assisted living facility.

## WAC 388-78A-2290

# Family assistance with medications and treatments.

- ▶ (1) An assisted living facility may permit a resident's family member to administer medications or treatments or to provide medication or treatment assistance, including obtaining medications or treatment supplies, to the resident.
- ▶ (2) The assisted living facility must disclose to the department, residents, the residents' legal representatives, if any, and if not the residents' representative if any, and to interested consumers upon request, information describing whether the assisted living facility permits such family administration or assistance and, if so, the extent of any limitations or conditions.

# WAC 388-78A-2290

## Family assistance with medications and treatments.

- ▶ (3) If the assisted living facility allows family assistance with or administration of medications and treatments, the facility must request that the family member submit to the assisted living facility a written plan that includes at a minimum:
  - ▶ (a) By name, the family member who will provide the medication or treatment assistance or administration;
  - ▶ (b) A description of the medication or treatment assistance or administration that the family member will provide, to be referred to as the primary plan;
  - ▶ (c) An alternate plan if the family member is unable to fulfill his or her duties as specified in the primary plan;
  - ▶ (d) An emergency contact person and telephone number if the assisted living facility observes changes in the resident's overall functioning or condition that may relate to the medication or treatment plan; and
  - ▶ (e) Other information determined necessary by the assisted living facility.

# WAC 388-78A-2290

## Family assistance with medications and treatments.

- ▶ (4) The plan for family assistance with medications or treatments must be signed and dated by:
  - ▶ (a) The resident, if able;
  - ▶ (b) The resident's representative, if any;
  - ▶ (c) The resident's family member responsible for implementing the plan; and
  - ▶ (d) A representative of the assisted living facility authorized by the assisted living facility to sign on its behalf.

## WAC 388-78A-2290

# Family assistance with medications and treatments.

- ▶ (5) The assisted living facility must require that whenever a resident's family provides medication assistance or medication administration services, the resident's significant medications remain on the assisted living facility premises whenever the resident is on the assisted living facility premises.

# WAC 388-78A-2474

## Training and home care aide certification requirements.

The facility must ensure all assisted living facility administrators, or their designees, and caregivers hired on or after January 7, 2012, meet the long-term care worker training requirements of chapter [388-112A](#) WAC, including but not limited to:

- ▶ (a) Orientation and safety;
- ▶ (b) Basic;
- ▶ (c) Specialty for dementia, mental illness and/or developmental disabilities when serving residents with any of those primary special needs;
- ▶ (d) Cardiopulmonary resuscitation and first aid; and
- ▶ (e) Continuing education.
- ▶ (3) The assisted living facility must ensure that all staff receive appropriate training and orientation to perform their specific job duties and responsibilities.
- ▶ (4) The assisted living facility must ensure all caregivers obtain the home-care aide/NA certification.

# WAC 388-78A-2130

## Service agreement planning

- ▶ The assisted living facility **must**:
- ▶ (1) Develop an initial service plan, based upon discussions with the resident and the resident's representative and the preadmission assessment of a qualified assessor, upon admitting a resident into an assisted living facility. The initial service plan must:
  - ▶ Identify the resident's immediate needs; and
  - ▶ Provide direction to staff and caregivers relating to the resident's immediate needs, capabilities, and preferences
- ▶ (2) Complete the negotiated service agreement using the resident's preadmission assessment, initial resident service plan, and full assessment information, **within thirty days of the resident moving in**

# WAC 388-78A-2130

## Service agreement planning

- ▶ (3) Review and update each resident's negotiated service agreement consistent with WAC [388-78A-2120](#) following any change in the resident's physical, mental, or emotional functioning; and
  - ▶ Review and update each resident's negotiated service agreement as necessary following an annual full assessment
- ▶ (4) Involve in the process of developing and updating a negotiated service agreement:
  - ▶ The resident and/or the resident's representative
  - ▶ The department's case manager
  - ▶ Staff designated by the assisted living facility
  - ▶ Document the agreed upon plan for services



# WAC 388-78A-2320

## Intermittent nursing services systems

When an assisted living facility provides intermittent nursing services to any resident, either directly or indirectly, the assisted living facility must:

- ▶ Develop and implement systems that support and promote the safe practice of nursing for each resident; and
- ▶ Ensure the requirements of chapters [18.79](#) RCW and [246-840](#) WAC are met.

# What Can You Do?

- ▶ Be familiar with the regulations and understand what it requires
- ▶ If you don't understand it, ask
- ▶ Educate your staff
- ▶ Review your systems to ensure they meet the intent of the regulation

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- ▶ WAC 388-78A-2700 Safety measures and disaster preparedness 100
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- ▶ WAC 388-78A-2600 Policies and procedures 54
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Questions?

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