

**Home and Community Based Settings  
Information Sessions  
Sept 17, Sept 23, Oct 9, 2025  
Compiled Questions and Answers**

Questions unrelated to this rulemaking project are not contained in this document.  
Please contact [rcspolicy@dshs.wa.gov](mailto:rcspolicy@dshs.wa.gov) if you have questions.

| <b>Advocate Preview Session September 15, 2025</b> |                                                                                                                                                                                                                    |
|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Question #1</b>                                 | <b>Must the facility still attempt to provide a reasonable accommodation before discharging a resident?</b>                                                                                                        |
| <b>Answer #1</b>                                   | Yes. RCW 70.129.110(3)(a) requires “First attempt through reasonable accommodations to avoid the transfer or discharge, unless agreed to by the resident”... The new rules do not remove any current requirements. |

| <b>Session #1 September 17, 2025</b> |                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Question #1</b>                   | <b>Is there a sample residency agreement with all requirements outlined?</b>                                                                                                                                                                                                                                                                                       |
| <b>Answer #1</b>                     | You can use WACs 388-76-10506(5), 388-78A-2651(5), and 388-107-0161(5) as a template.                                                                                                                                                                                                                                                                              |
| <b>Question #2</b>                   | <b>For consistency of application, fairness, etc., would it not be better for DSHS to create a template/Form Residency Agreement similar to other states (i.e. Minnesota, Ohio, Pennsylvania). From a regulatory standpoint it would seem unnecessarily risky to be expecting each Provider to create a template that may/may not have the necessary elements.</b> |
| <b>Answer #2</b>                     | The WACs contain a “template” for use by facilities. See Answer #1.                                                                                                                                                                                                                                                                                                |
| <b>Question #3</b>                   | <b>Is a residency agreement the same as an admission agreement? It seems these are supposed to be two different documents can you clarify if that is correct?</b>                                                                                                                                                                                                  |
| <b>Answer #4</b>                     | These are two different documents. “Residency agreement” is defined in the new WACs and is specific to residents with Medicaid.                                                                                                                                                                                                                                    |
| <b>Question #5</b>                   | <b>Will the residency Agreement required to be signed every 24 months (i.e. WAC 388-76-10530 (1))?</b>                                                                                                                                                                                                                                                             |
| <b>Answer #5</b>                     | No.                                                                                                                                                                                                                                                                                                                                                                |
| <b>Question #6</b>                   | <b>Can we add residency agreements into the admission agreement?</b>                                                                                                                                                                                                                                                                                               |
| <b>Answer #6</b>                     | Yes. The residency agreement can be included in the admission agreement, as long as it has the required elements. See answer #1.                                                                                                                                                                                                                                   |
| <b>Question #7</b>                   | <b>If a client has legal counsel involved, how much can that realistically extend or delay a discharge process?</b>                                                                                                                                                                                                                                                |

|                     |                                                                                                                                                                                                                                                                                                                           |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Answer #8</b>    | The intent of the rule is to inform residents of the legal protections they are entitled to under federal law. A copy of the transfer or discharge notice must be given to the Long-term Care Ombuds and DSHS case manager. They may be able to assist the resident and help resolve issues earlier in the process.       |
| <b>Question #8</b>  | <b>Why was it necessary to come up with residency agreement rule? what is the idea behind it?</b>                                                                                                                                                                                                                         |
| <b>Answer #8</b>    | Federal rules for Home and Community Based Settings (HCBS) require HCBS settings to have written agreements with Medicaid residents that provide protections related to eviction and appeals comparable to those provided by the Landlord Tenant Act. DSHS needed to adopt rules to comply with the federal requirements. |
| <b>Question #9</b>  | <b>When we send over a discharge notice to a case manager it typically creates an intake call into the CRU /hotline to have the AFH go under investigation. When it is sent over to the Ombudsman office, will we also get an investigation for this, or will RCS combine the two investigations?</b>                     |
| <b>Answer #9</b>    | The DSHS Complaint Resolution Unit follows standard operating procedures (SOP) for screening and assigning reports. You can find the SOP here: <a href="#">Chapter 4 - CRU.pdf</a> .                                                                                                                                      |
| <b>Question #10</b> | <b>What will be the Ombudsman's role once they receive the notice, and how soon should the facility expect a visit from the Ombudsman office/department to ensure the resident's rights have not been violated?</b>                                                                                                       |
| <b>Answer #10</b>   | (Teams chat answer from a regional Ombuds, present) "Ombuds try our very best to respond to resident requests within 72 hours. At the very least by phone. Better yet in person."                                                                                                                                         |
| <b>Question #11</b> | <b>Will facilities be going to the same court that nursing homes deal with now?</b>                                                                                                                                                                                                                                       |
| <b>Answer #11</b>   | Disputed nursing home discharges go through the administrative appeals process, which is different.                                                                                                                                                                                                                       |
| <b>Question #12</b> | <b>How many new forms are we supposed to have the resident sign by January 6, 2026?</b>                                                                                                                                                                                                                                   |
| <b>Answer #12</b>   | The new residency agreement for residents with Medicaid must be in place by January 1, 2026.                                                                                                                                                                                                                              |
| <b>Question #13</b> | <b>When are these rules effective?</b>                                                                                                                                                                                                                                                                                    |
| <b>Answer #13</b>   | The rules are effective January 1, 2026.                                                                                                                                                                                                                                                                                  |
| <b>Question #14</b> | <b>I don't understand about legal advisors' involvement in this.</b>                                                                                                                                                                                                                                                      |
| <b>Answer #14</b>   | The long-term care legal defense screening line will have attorneys who can assist eligible residents in response to a disputed notice of transfer or discharge.                                                                                                                                                          |

|                     |                                                                                                                                                                                                   |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Question #15</b> | <b>When will you send out the check list of what we need to have on the agreement</b>                                                                                                             |
| <b>Answer #15</b>   | DSHS is still working on the draft. It will be available before January 1, 2026, and we will send a Provider/Administrator letter to let facilities know when this form and others are available. |

| <b>Session #2 September 23, 2025</b> |                                                                                                                                                |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Question #1</b>                   | <b>How will rulemaking this affect the 30-day notice rule?</b>                                                                                 |
| <b>Answer #1</b>                     | This rulemaking does not change the 30-day notice requirements. The rules add new requirements, in addition to existing requirements.          |
| <b>Question #2</b>                   | <b>In Supported Living clients have a lease so does this apply to this setting? They pay their own rent.</b>                                   |
| <b>Answer #2</b>                     | The rules do not apply to Supported Living settings.                                                                                           |
| <b>Question #3</b>                   | <b>Is there an email address or fax number for these notices to be sent to Ombuds? As far as I know, we only have a phone number for them?</b> |
| <b>Answer #3</b>                     | The Long-Term Care Ombuds will be sending a memo before January with this information.                                                         |

| <b>Session #3 October 9, 2025</b> |                                                                 |
|-----------------------------------|-----------------------------------------------------------------|
| <b>Question #1</b>                | <b>Is there a sample agreement, like a template, to follow?</b> |
| <b>Answer #1</b>                  | Yes. We will provide more info during the presentation.         |
| <b>Question #2</b>                | <b>Is the residency agreement just for Medicaid residents?</b>  |
| <b>Answer #2</b>                  | Yes.                                                            |
| <b>Question #3</b>                | <b>Will DSHS provide a form/ template for the new WAC?</b>      |

|                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Answer #3</b>   | <p>Residency Agreement:</p> <ul style="list-style-type: none"> <li>You can use WACs 388-76-10506(5), 388-78A-2651(5), and 388-107-0161(5) as a template.</li> <li>DSHS will publish an optional form by January 1, 2026. We will send a Provider/Administrator letter to let facilities know when this form is available.</li> </ul> <p>Transfer or Discharge Notice:</p> <ul style="list-style-type: none"> <li>You can use WACs 388-76-10617(5), 388-78A-2661(5), or 388-107-0281(5) as a template.</li> <li>DSHS is developing an optional Transfer or Discharge Notice form for use in AFH, ALF and ESF (coming soon).</li> </ul> |
| <b>Question #4</b> | <b>If a resident was private pay, then changes to Medicaid, do they have to sign a new agreement?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Answer #4</b>   | A resident with private pay won't have an agreement. If their payor status changes to Medicaid you will do a new agreement at that time.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Question #5</b> | <b>(When providing a copy of the transfer or discharge notice to the Longterm ombudsman- is that our local ombudsman or the main ombudsman office?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Answer #5</b>   | The Long-Term Care Ombuds will be sending a memo before January with this information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Question #6</b> | <b>Is the new document in addition to the current 30-day discharge notice, or does it replace it?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Answer #6</b>   | Facilities are still required to give a 30-day notice as required in the current WACs. The resident notification of right to legal assistance is a new requirement that must be included in the discharge notice for residents with Medicaid.                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Question #7</b> | <b>Where do I find the phone number for legal services?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Answer #7</b>   | Once available, the number will be posted on the provider pages for each setting: <a href="#">Information for Adult Family Home Providers   DSHS</a> , <a href="#">Information for Assisted Living Facility Professionals   DSHS</a> , <a href="#">Enhanced Services Facilities   DSHS</a> .                                                                                                                                                                                                                                                                                                                                          |
| <b>Question #8</b> | <b>Do these rules consider the challenges that providers might go through trying to discharge a resident who is not paying or who is a danger to other residents and is not willing to leave? If it involves legal proceeding, how long can this take?</b>                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Answer #8</b>   | The rules for the specific reasons surrounding discharge haven't changed. This rule provides resources for residents related to their transfer or discharge and may help resolve disputes before escalating.                                                                                                                                                                                                                                                                                                                                                                                                                          |

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Question #9</b>  | <b>Is the requirement for residents admitted from January 2026 or we have to amend and start using even for residents already admitted now?</b>                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Answer #9</b>    | Current residents with Medicaid must have an agreement as of January 1, 2026. New residents admitted on or after January 1, 2026 will need an agreement as well. Facilities can implement it prior to this date, but are not required to. The legal assistance line will not be available to residents until January.                                                                                                                                                                                                                              |
| <b>Question #10</b> | <b>For new resident coming in after January 1, 2026, can we incorporate that new transfer and discharge rule to the Admission Agreement?</b>                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Answer #10</b>   | Yes. The residency agreement does not need to be a separate document. It can be incorporated with your notices and agreements.                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Question #11</b> | <b>If a resident admits as private pay, are we required to give them the document upon enrolling as a medicaid recipient?</b>                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Answer #11</b>   | Yes. When their payor status changes to Medicaid, they must have a residency agreement consistent with WACs 388-76-10506, 388-78A-2651, or 388-107-0161.                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Question #12</b> | <b>Is there also free legal aid for providers who are struggling to discharge a resident and have to go the civil way?</b>                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Answer #12</b>   | <ul style="list-style-type: none"> <li>• These rules do not provide free legal aid to providers. They are based on the Home and Community Based Services (HCBS) rules, which address rights of residents in community settings.</li> <li>• DSHS Home and Community Services (HCS) holds provider forums where they address challenging topics. You can sign up for notices by subscribing to Gov Delivery notifications <a href="#">Washington Department of Social and Health Services – Home and Community Living Administration</a>.</li> </ul> |
| <b>Question #13</b> | <b>Will DSHS create a new discharge notice, that can be used for private pay and medicaid? Will it show phone number for legal resources only for people that are low income?</b>                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Answer #13</b>   | The transfer and discharge notice form (in draft) has a header that says the legal resource info applies to residents with Medicaid only. The other resources are marked as applicable to all residents.                                                                                                                                                                                                                                                                                                                                           |
| <b>Question #14</b> | <b>When you state a new residency agreement with current clients that is not the same as an admission agreement correct?</b>                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Answer #14</b>   | Correct. The “residency agreement” discussed in this presentation is defined in WAC for each setting. The admission agreement is different.                                                                                                                                                                                                                                                                                                                                                                                                        |

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Question #15</b> | Can you post the rulemaking page? I could not find it by going through the AFH professional page.                                                                                                                                                                                                                                                                                                                                                  |
| <b>Answer #15</b>   | <a href="https://www.dshs.wa.gov/altsa/rscs/altsa-rscs-rulemaking">https://www.dshs.wa.gov/altsa/rscs/altsa-rscs-rulemaking</a> . Check regularly, as we are updating this site.                                                                                                                                                                                                                                                                   |
| <b>Question #16</b> | <b>What WACs are referenced?</b>                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Answer #16</b>   | The program specific WACs are included the presentation. Review the presentation to find the applicable WACs for your setting.                                                                                                                                                                                                                                                                                                                     |
| <b>Question #17</b> | <b>When doing new (AFH) application licensing agreements will BAAU be adding this to the disclosure new applicants sign that they will have this form? (AFH Policies and Procedures Attestation)</b>                                                                                                                                                                                                                                               |
| <b>Answer #17</b>   | We will take a look at this to determine if it needs to be updated.                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Question #18</b> | <b>When looking at introduction of this rule, it is protecting residents. Was there a problem, that providers were evicting them without due cause?</b>                                                                                                                                                                                                                                                                                            |
| <b>Answer #18</b>   | Slide 5 gives some background. We learned about a year ago that our rules did not adequately address this specific HCBS requirement (Our statutes and rules do address all others.) We initiated rulemaking to comply with the federal requirement.                                                                                                                                                                                                |
| <b>Question #19</b> | <b>Is the only new piece adding the legal help to the resident?</b>                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Answer #19</b>   | Yes, providing notification of this right in the residency agreement and at transfer or discharge is new. The rest of the rules remain the same.                                                                                                                                                                                                                                                                                                   |
| <b>Question #20</b> | <b>Do you expect any other additional changes that will affect our industry?</b>                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Answer #20</b>   | The department is always engaged in rulemaking. When the legislature changes a law, we sometimes have to update our rules to match. Sometimes rule changes are needed to address federal requirements or outdated rules. Check the RCS webpage regularly for information about our current rulemaking projects.<br><a href="https://www.dshs.wa.gov/altsa/rscs/altsa-rscs-rulemaking">https://www.dshs.wa.gov/altsa/rscs/altsa-rscs-rulemaking</a> |
| <b>Question #21</b> | <b>Do all 50 states have to adopt this new requirement for AFH?</b>                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Answer #21</b>   | The HCBS rules apply to all states. Different states have different ways of meeting the federal requirements. These rules are how Washington is meeting this particular requirement.                                                                                                                                                                                                                                                               |
| <b>Question #22</b> | <b>Does the federal rule say who is supposed to provide this new info? Do they say that the responsibility falls on the facility? Or can the responsibility be on the social worker?</b>                                                                                                                                                                                                                                                           |

|                         |                                                                                                                                                                 |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Answer<br/>#22</b>   | The responsibility is on the facility/setting. It is in the same arena as the other rest of the HCBS rules.                                                     |
| <b>Question<br/>#23</b> | <b>Will there be another training?</b>                                                                                                                          |
| <b>Answer<br/>#23</b>   | This is the last information session. If you have additional questions, you can direct them to <a href="mailto:RCSPolicy@dshs.wa.gov">RCSPolicy@dshs.wa.gov</a> |