



SHB 1218 Rule Updates NH Q & A Session September 2025

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Background

House Bill 1218 passed in the 2021 legislative session requiring new sections and amendments to WAC 388-76, WAC 388-78A, WAC 388-97, and WAC 388-107 regarding:

- Communication
- Disaster Preparedness (coming soon- separate project)
- Infection control (coming soon-separate project)
- Visitation
- Stop placement
- Resident information

Review of WAC Changes: Nursing Homes

- **WAC 388-97-0001: Definitions**
 - Adding the definition of essential support persons
- **WAC 388-97-0180: Resident Rights**
 - Adding the right to “timely” communication
 - Adding communication with state and local agencies and LTC ombuds
- **WAC 388-97-0520: Access and visitation rights**
 - Adding access to an ESP as outlined in RCW 70.129.190
- **WAC 388-97-1640: Required Notification and Reporting (editorial only)**
- **WAC 388-97-2300: Telephone on resident care units**
 - Reference RCW 18.51.575
- **WAC 388-97-4320: Relocation of residents**
 - Adding emergency contacts to (1)(a)

Amended

WAC 388-97-0001 Definitions

"Essential Support Person" means an individual who is: at least 18 years of age; designated by the resident, or by the resident's representative, if the resident is determined to be incapacitated or otherwise legally incapacitated; and necessary for the resident's emotional, mental, or physical well-being during situations that include, but are not limited to, circumstances involving compassionate care of end-of-life care, circumstances where visitation from a familiar person will assist with important continuity of care or the reduction of confusion and anxiety for residents with cognitive impairments, or other circumstances where the presence of an essential support person will prevent or reduce significant emotional distress to the resident.

AMENDED

(showing only amended section for space purposes)

WAC 388-97-0180 Resident rights.

(1) The nursing home must meet the resident rights requirements of this section and those in the rest of the chapter.

(2) The resident has a right to a dignified existence, self-determination, and timely communication with, and access to individuals and services inside and outside the nursing home, including but not limited to, state and local agencies, and long-term care ombuds.

...

AMENDED

WAC 388-97-0520 Access and visitation rights.

(showing only amended section for space purposes)

...

(4) Access to their essential support person, as outlined in RCW 70.129.190.

Reference

RCW [70.129.190](#) Essential support person.

(1) In circumstances in which limitations must be placed on resident visitation due to a public health emergency or other threat to the health and safety of the residents and staff of a facility or nursing home, residents must still be allowed access to an essential support person, subject to reasonable limitations on such access tailored to protecting the health and safety of essential support persons, residents, and staff.

(2) The facility or nursing home must allow private, in-person access to the resident by the essential support person in the resident's room. If the resident resides in a shared room, and the roommate, or the roommate's resident representative, if any, does not consent or the visit cannot be conducted safely in a shared room, then the facility or nursing home shall designate a substitute location in the facility or nursing home for the resident and essential support person to visit.

(3) The facility or nursing home shall develop and implement reasonable conditions on access by an essential support person tailored to protecting the health and safety of the essential support person, residents, and staff, based upon the particular public health emergency or other health or safety threat...

Reference

RCW [70.129.190](#) Essential support person.

Continued

...

(4) The facility or nursing home may temporarily suspend an individual's designation as an essential support person for failure to comply with these requirements or reasonable conditions developed and implemented by the facility or nursing home that are tailored to protecting that health and safety of the essential support person, residents, and staff, based upon the particular public health emergency or other health or safety threat. Unless immediate action is necessary to prevent an imminent and serious threat to the health or safety of residents or staff, the facility or nursing home shall attempt to resolve the concerns with the essential support person and the resident prior to temporarily suspending the individual's designation as an essential support person. The suspension shall last no longer than 48 hours during which time the facility or nursing home must contact the department for guidance and must provide the essential support person:

- (a) Information regarding the steps the essential support person must take to resume the visits, such as agreeing to comply with reasonable conditions tailored to protecting the health and safety of the essential support person, residents, and staff, based upon the particular public health emergency or other health or safety threat;
- (b) The contact information for the long-term care ombuds program; and
- (c) As appropriate, the contact information for the developmental disabilities ombuds, the agency responsible for the protection and advocacy system for individuals with developmental disabilities, and the agency responsible for the protection and advocacy system for individuals with mental illness.

Reference

RCW [70.129.190](#) Essential support person.

Continued

...

(5) For the purposes of this section, "essential support person" means an individual who is:

(a) At least 18 years of age;

(b) Designated by the resident, or by the resident's representative, if the resident is determined to be incapacitated or otherwise legally incapacitated; and

(c) Necessary for the resident's emotional, mental, or physical well-being during situations that include, but are not limited to, circumstances involving compassionate care or end-of-life care, circumstances where visitation from a familiar person will assist with important continuity of care or the reduction of confusion and anxiety for residents with cognitive impairments, or other circumstances where the presence of an essential support person will prevent or reduce significant emotional distress to the resident.

AMENDED

WAC 388-97-2300 Telephones on resident care units.

The nursing home must provide ~~((twenty-four))~~ **24 hour** access to a telephone for resident use per RCW 18.51.575 which:

- (1) Provides auditory privacy;
- (2) Allows for communications with family, medical providers, and others;
- (3) Allows for emergency contact to and from facility staff;
- (4) Is accessible to a person with a disability and accommodates a person with sensory impairment; and ~~((3))~~
~~Is not located in a staff office or at a nurse's station; and~~
~~((4)))~~
- (5) Does not require payment for local calls.

Reference

RCW [18.51.575](#)

Communication system—Telephones and other equipment.

(1) Each nursing home must be responsive to incoming communications and respond within a reasonable time to phone and electronic messages.

(2) Each nursing home must have a communication system, including a sufficient quantity of working telephones and other communication equipment to ensure that residents have 24-hour access to communications with family, medical providers, and others, and also to allow for emergency contact to and from facility staff. The telephones and communication equipment must provide for auditory privacy, not be located in a staff office or station, be accessible and usable by persons with hearing loss and other disabilities, and not require payment for local calls. A nursing home is not required to provide telephones at no cost in each resident room.

AMENDED

WAC 388-97-4320 Relocation of residents.

(showing only amended section for space purposes)

- (1) In the event of license revocation or suspension, decertification, or other emergency closures the department will:
 - (a) Notify residents and, when appropriate, ~~((resident representatives))~~ residents' emergency contacts of the action;
 - (b) Assist with residents' relocation and identify possible alternative living choices and locations; and
 - (c) The nursing home will assist the residents to the extent it is directed to do so by the department. ...

SUMMARY

- **WAC 388-97-0001: Definitions**
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QUESTIONS

Questions

Can the essential support persons (ESP) be a family member that is under the age of 18?

See WAC 388-97-0001:

The ESP must be 18 or older.



REFERENCES

- [1218-S.SL.pdf](#)
- [Chapter 70.129 RCW: LONG-TERM CARE RESIDENT RIGHTS](#)
- [Chapter 18.51 RCW: NURSING HOMES](#)
- [Chapter 388-97 WAC:](#)



Thank you

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