



STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
*Aging and Long-Term Support Administration*  
*PO Box 45600, Olympia, Washington 98504-5600*

June 11, 2021

**AL TSA: ICF/IID #2021-026**

**CLARIFYING INFORMATION REGARDING COMPLIANCE WITH W127**

Dear ICF/IID Superintendent

The purpose of this letter is to provide clarity about compliance with [42 CFR § 483.420\(a\) \(5\)](#), which requires each facility to ensure that clients are not subjected to physical, verbal, sexual or psychological abuse or punishment.

In its guidance regarding this rule, the Centers for Medicare and Medicaid Services (CMS) states that “the facility must develop and implement systems that protect clients from all forms of abuse, neglect, or mistreatment, including client to client abuse, neglect, or mistreatment.” [State Operations Manual, Appendix J, W127](#), CMS defines “abuse” as “the willful infliction of injury, unreasonable confinement, intimidation or punishment with the resulting physical harm, pain or personal anguish.”

In this definition of abuse, “willful” means non-accidental. Therefore, a provider may be cited for non-compliance with W127 if there is evidence that an individual acted deliberately in inflicting injury on a client. Consistent with CMS’s rule and guidance, the Department may cite a provider for non-compliance with W127 regardless of the subjective motivation of the perpetrator.

[42 CFR § 483.420\(a\) \(5\)](#) and [W127](#) guarantee each client the right to be free from physical abuse without exception. This means that, to remain in compliance with the federal rule and guidance, each facility must develop and implement systems that will ensure clients are not subjected to the deliberate, abusive actions of others.

Thank you for your continued commitment to resident health and safety. If you have any questions, please contact Debra Hoeman, Policy Program Manager, at (360) 725-3210 or [Debra.Hoeman@dshs.wa.gov](mailto:Debra.Hoeman@dshs.wa.gov).

Sincerely,

Mike Anbesse, Director  
Residential Care Services

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