

**WAC 388-103-0002 What additional definitions apply when the facility is a nursing facility or skilled nursing facility?** (1) This section incorporates those definitions under 42 C.F.R. Sec. 488.301 into this chapter.

(2) In addition to the definitions in WAC 388-103-0001 and RCW 74.34.020, the definitions in this section apply to this chapter when:

(a) The alleged victim is a resident of a nursing facility or skilled nursing facility; and

(b) The alleged perpetrator is an individual used by such facility to provide services to residents.

(3) Abuse.

(a) Abuse is the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish. Abuse also includes the deprivation by an individual, including a caretaker, of goods or services that are necessary to attain or maintain physical, mental, and psychosocial well-being.

(b) Instances of abuse of all residents, irrespective of any mental or physical condition, cause physical harm, pain or mental anguish.

(c) Abuse includes verbal abuse, sexual abuse, physical abuse, and mental abuse including abuse facilitated or enabled through the use of technology.

(d) Willful, as used in this definition of abuse, means the individual must have acted deliberately, not that the individual must have intended to inflict injury or harm.

(4) "Individual" means a person used by a nursing facility or skilled nursing facility to provide services to residents of such facility.

(5) "Misappropriation of resident property" means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a resident's belongings or money without the resident's consent.

(6) "Neglect" means the failure of an individual to provide goods and services to a resident that are necessary to avoid physical harm, pain, mental anguish, or emotional distress.

[Statutory Authority: RCW 74.34.068, 74.34.165; 42 U.S.C. Sec. 1396r (g)(1)(D), 42 U.S.C. Sec. 1395i3 (g)(1)(D). WSR 21-11-108, § 388-103-0002, filed 5/19/21, effective 7/1/21.]