



## **New DSHS Regulations for HCBS Compliance**

(DSHS CR-103P filed Aug.22, 2025: [Permanent Rule-Making](#))

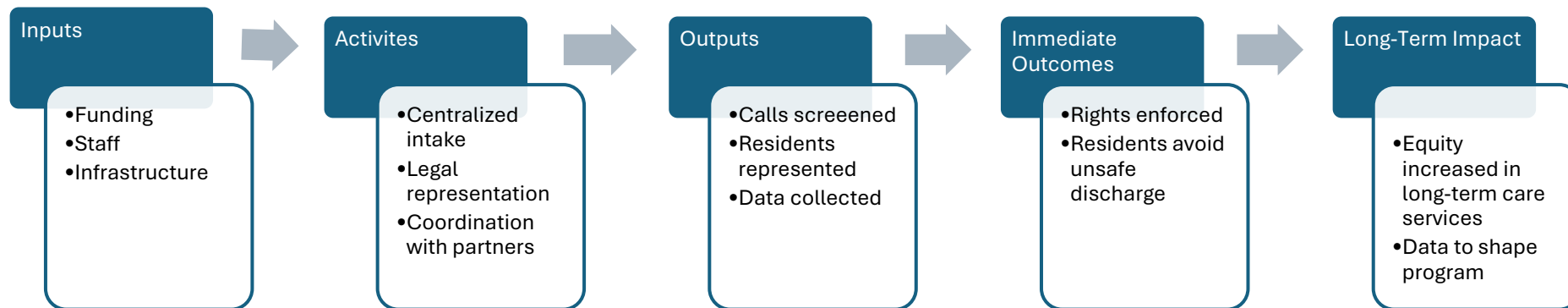
Stated purpose: To comply with Center for Medicare and Medicaid (CMS) regulations related to comparable, AFH, ALF, and ESF discharge and transfer protections.

Effective January 1, 2026, all AFHs, ALFs, and ESFs must use and keep a copy of a signed Residency Agreement for Medicaid residents addressing transfer/discharge rights. The regulations further clarify:

- The requirement of a 30-day notice of discharge or transfer must occur “before” and not “upon” removal, and with copies sent to both the Long-Term Care Ombuds and DSHS within 3 days.
- The notice must indicate a listed allowable reason for the move.
- Medicaid residents must be informed in writing on the right to free legal counsel, subject to appropriation, with contact information to access the service.

OCLA's Legal Counsel for Long-Term Care Program aims to:

- Ensure that residents have a meaningful opportunity to assert their rights before removal and when unlawful removal has occurred.
- Prevent unsafe discharges or unlawful discharges.
- Promote safe and orderly transitions.
- Increase equity and access to legal advocacy statewide.





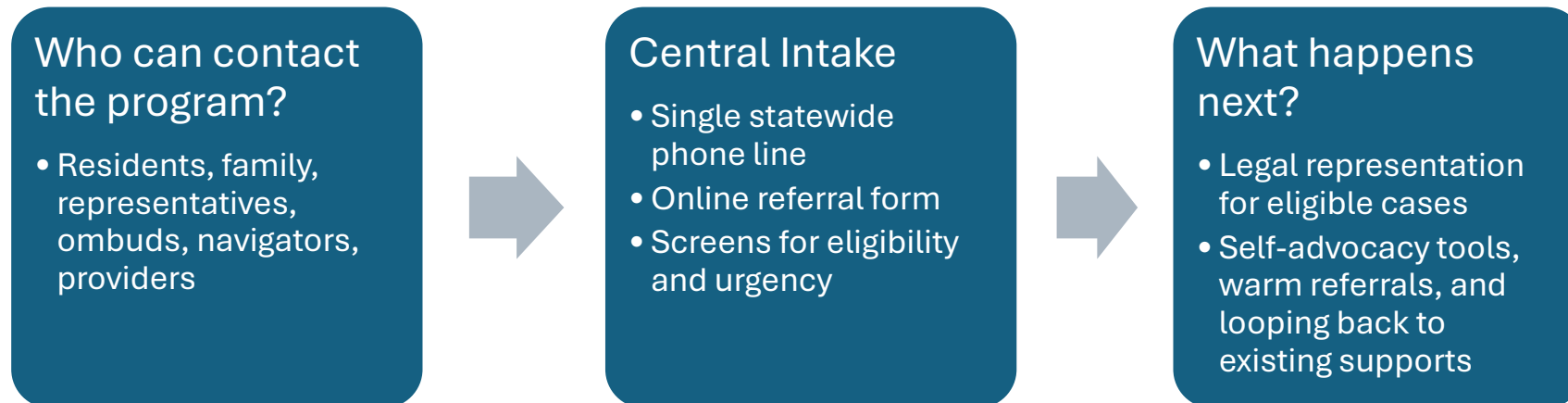
## **Potential Systems Impacts**

- More timely legal support for ALF, AFH, and ESF residents
- Stabilizes care transitions and reducing unsafe removals.
- Strengthens statewide coordination across partners.
- Sustains consistency with the HCBS Settings Rule
- Fills a crucial data gap on discharge outcomes.

## **Additional Supports this Program Provides:**

- A dedicated legal resource when discharge/transfer notices are issued.
- Resident-centered support for resolving disputes that impact stability.
- Legal self-advocacy tools and referral assistance for residents not eligible for representation.

## Program Process and Case Flow



**Beginning January 5, 2026, for Medicaid Residents of AFHs, ALFs, and ESFs.**

**Intake phone line: (888) 437-0017**

**Online referral form: Link will be posted on DRW's and OCLA's website**



## Q & A

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