



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

October 20, 2015

FAX / EMAIL
CERTIFIED MAIL 7007 1490 0003 4197 0619
Second Amended Letter / Changes in Bold Italic

Licensee, Gwendolyn Portes
Like Home AFH
5335 18th Avenue South
Seattle, WA 98108

Adult Family Home License #**653500**
Licensee: Gwendolyn Portes

SECOND AMENDED ENFORCEMENT NOTICE
LETTER, GIVING NOTICE OF IMPOSITION OF
CIVIL FINES AND CONDITIONS, AND NOTICE OF
RESCISSION OF REVOCATION OF LICENSE AND
LIFTING OF STOP PLACEMENT OF ADMISSIONS

Dear Licensee:

On December 2, 2013, the Department of Social and Health Services (*the Department or* DSHS), Residential Care Services, *completed* an inspection/investigation at your facility and issued an enforcement notice dated **December 18, 2013** and a Statement of Deficiencies (SOD) dated **December 2, 2013**.

You requested an Informal Dispute Resolution (IDR) which was held on February 11, 2014. An IDR results letter was sent to you on March 18, 2014. This letter notified you of changes to the December 2, 2013 Statement of Deficiencies (SOD), but no changes to the previously imposed enforcement actions.

The Department issued an amended Statement of Deficiencies (SOD), revocation of license and stop placement of admissions dated September 10, 2014, giving you notice of an amended Statement of Deficiencies (SOD).

The Department issues this second amended enforcement notice letter on October 20, 2015, giving you formal notice of the imposition of civil fines and conditions on your adult family home license and of the rescission of the revocation of your adult family home license and the lifting of the stop placement of admissions on your adult family home, known as Like Home AFH located at 5335 18th Avenue South, Seattle, by the State of Washington, Department of Social and Health Services. The Department's rescission of the license revocation and the lifting of the stop placement of admissions are effective immediately.

This second amended enforcement notice letter is issued pursuant to the Stipulation and Agreed Order of Dismissal approved by the Administrative Law Judge and mailed to the parties on October 8, 2015 in the appeal of Gwendolyn Portes, dba Like Home AFH, under OAH Docket no. 01-2014-L-1019. This enforcement action is taken under the authority granted in Revised Code of Washington (RCW) 70.128.160, Chapter 43.20A RCW, and Washington Administrative Code (WAC) 388-76-10940.

The Department's imposition of civil fines and conditions on your adult family home license is based on the following violations of the Washington Administrative Code (WAC) and as described in the attached second amended Statement of Deficiencies (SOD) report completed on December 2, 2013 and signed on October 19, 2015.

WAC 388-76-10015(1-3) - License—Adult family home—Compliance required. *\$100.00 fine*

The licensee did not comply with all the laws and requirements established for adult family homes.

WAC 388-76-10198(2)(a)(b)(c) - Adult family home—Personnel records. *\$100.00 fine*

The licensee did not ensure that she maintained valid certification in CPR/Frist Aid in a location readily accessible to authorized department staff.

WAC 388-76-10225(2)(c)(f)(4) - Reporting requirement.
*\$200.00 fine (for two violations as follows:
\$100.00 x 2 for failure to report to Resident #4's
case manager and physician)*

The licensee did not inform a resident's case manager *and physician* when the resident sustained a serious injury and admission to *and discharge* from a hospital.

WAC 388-76-10315(1)(g) - Resident record—Required.
*\$400.00 fine (for four violations as follows:
\$100.00 x 4 for failure to have at least 4 different
records available for review)*

The licensee did not have relevant and current records for three residents available for review in the home when requested.

WAC 388-76-10350(1)(4) - Assessment—Updates required. *\$100.00 fine*

The licensee did not ensure that a resident who experienced a significant change in functioning had an up-to-date assessment addressing his changed needs.

WAC 388-76-10380(2) Negotiated care plan - Timing of reviews and revisions.

\$500.00 fine

The licensee did not ensure that a resident's negotiated care plan was updated after a significant change to the resident's physical functioning occurred.

WAC 388-76-10400(2)(3)(a) - Care and services.

\$1,000.00 fine

The licensee did not ensure that necessary services occurred in a timely manner for a resident following a traffic accident.

This is a repeat violation of deficiencies cited on April 28, 2008, June 5, 2009, September 18, 2009, and March 10, 2011.

The following conditions are imposed on your adult family home license:

- *For a period of one (1) year beginning on the date that the Appellant receives the Department's Second Amended Enforcement Notice rescinding the license revocation and lifting the stop placement, Gwendolyn Portes shall be present and continuously working a minimum of 32 hours a week on the Adult Family Home premises. Ms. Portes' work schedule shall be as follows: She shall work no less than three (3) days a week from 9:00 a.m. to 5:00 p.m. during normal business hours; and work an additional eight (8) hours each week between the hours of 9:00 a.m. to 5:00 p.m. during any other day of the week including Saturdays or Sundays. Gwendolyn Portes shall be readily available at all times between the hours of 9:00 a.m. and 5:00 p.m. to address the residents' care and services and to communicate with the Department.*
- *After a period of one (1) year, Gwendolyn Portes shall be present and working on the Adult Family Home premises a minimum of eight (8) hours a week between the hours of 8:00 a.m. and 5:00 p.m.*
- *Ms. Portes may be off the Adult Family Home premises during the time periods referenced above, if her absence is directly related to providing care and services to the residents, such as taking residents to medical appointments or obtaining medications and supplies, so long as caregiver(s) remain on the Adult Family Home premises as required by the applicable laws. In addition, Ms. Portes may be off the Adult Family Home premises and unavailable for a period of no more than two (2) weeks either continuously or in segments for prearranged absences and shall notify the Department in advance of her prearranged absences as set forth herein. Finally, Ms. Portes may be off the Adult Family Home premises for a reasonable time period if she is ill or coping with the illness or death of a family member, so long as she remains available by phone.*

- *For a period of two (2) years beginning on the date that the Appellant receives the Department's Second Amended Enforcement Notice rescinding the license revocation and lifting the stop placement, Ms. Portes shall notify the Department in advance of the dates and times she will be present and continuously working on the Adult Family Home premises. Ms. Portes shall provide this notice in writing either by fax or by U.S. Mail directed to the Field Manager assigned to her Adult Family Home at DSHS Residential Care Services.*
- *After a period of two (2) years, Ms. Portes shall maintain an accurate schedule of the hours she has been present and working on the Adult Family Home premises and provide a copy of this schedule to the Department upon request.*
- *At the completion of one year, Ms. Portes shall not relinquish her responsibilities as Resident Manager until she has a fully qualified Resident Manager, who will be present and continuously working a minimum of 32 hours a week on the Adult Family Home premises during normal business hours, subject to the same exceptions set forth above for Ms. Portes.*
- *Ms. Portes shall give the Department advance notice of the identity and qualifications of any Resident Manager employed in the adult family home.*
- *The licensee must post the license with the Notice of Conditions of Operation in the adult family home in a location visible and accessible to residents and visitors.*

The Department may take other legal action against your adult family home license if you fail to timely pay the fines or fail to comply with these conditions.

Pursuant to the terms of the Stipulation and Agreed Order of Dismissal entered into by the parties and signed by the Administrative Law Judge and mailed to the parties on October 8, 2015, you have stipulated to the violations set forth above and you have agreed to the imposition of the conditions and the civil fines set forth above. You cannot contest these violations and cannot contest these civil fines or these conditions.

Payment:

The civil fines are due to the Office of Financial Recovery twenty-eight (28) calendar days after receipt of this letter.

Gwendolyn Portes
Like Home AFH
October 20, 2015
Page 5

Mail a check for \$2,400.00 payable to the Department of Social and Health Services to:

***DSHS Office of Financial Recovery
P.O. Box 9501
Olympia, WA 98507-9501***

If the Office of Financial Recovery has not received your payment for the total amount due within twenty-eight (28) days after receipt of this letter, interest will begin to accrue immediately on the balance, at the rate of one percent (1%) per month.

If you have any questions, please contact Bennetta Shoop, Field Manager at (253) 234-6033.

Sincerely,



Robert A. Ogolsky
Compliance Specialist
Residential Care Services

Enclosure

cc: Field Manager, Region 2, Unit D
RCS Regional Administrator, Region 2
HCS Regional Administrator, Region 2
DDA Regional Administrator, Region 2
WA LTC Ombuds
Office of Financial Recovery, Vendor Program Unit
Valentina Karnafel, HCS
ndl