

# **Exhibit 12**



STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
AL TSA, RCS, ICF/IID Survey & Certification Program  
PO Box 45600, Olympia, WA 98504-5600

October 6, 2017  
Email and Certified Mail # 7007 1490 0003 4194 3484

Important Notice - Please Read Carefully

Jeff Flesner, Superintendent  
Rainier School P.A.T. A  
P O Box 600  
Buckley, WA 98321

RE: Complaint Investigation 3449296 on 10/04/2017

Dear Mr. Jeff Flesner:

On 10/04/2017 survey staff from Residential Care Services (RCS) Division of the Aging and Long-Term Support Administration (AL TSA) conducted a complaint investigation at your facility. Based on that visit, RCS determined that Rainier School Pat A is out of compliance with a federal condition of participation (COP) requirement for ICFs/IID participating in the Medicaid Title XIX ICF/IID program. The non-compliance posed an immediate jeopardy (IJ) to the health and safety of the residents at Rainier School Pat A.

**Immediate Jeopardy (42 CFR 442.117 & SOM 3010B)**

On 10/04/2017, you were verbally informed that RCS had determined that Rainier School Pat A's noncompliance posed an immediate jeopardy to resident health and safety. The CMS Form 2567 statement of deficiencies is enclosed with this letter. A survey agency must terminate a facility's certification if it determines that (1) The facility no longer meets conditions of participation for ICFs/IID (2) The facility's deficiencies pose immediate jeopardy to residents' health and safety. Termination will take place on 10/27/2017 if abatement of immediate jeopardy has not been achieved and verified before that date.

**Abatement of Immediate Jeopardy (SOM 3010B)**

You must submit a credible letter of allegation before the survey team can verify on-site that the immediate jeopardy has been abated. The allegation must include sufficient

details to demonstrate how and when the immediate jeopardy has been removed.

**Compliance with CoPs**

Compliance with all COPs, found in 42 Code of Federal Regulations (CFR) 483 Subpart 1, is required for certification. The complaint investigation completed on 10/04/2017, found that Rainier School Pat A failed to comply with the following COP:

**W102 – 42 CFR 483.410 Governing Body and Management**

Specifically, the following Governing Body and Management requirements were found not met:

W104 – CFR 483.410(a)(1) The governing body must exercise general policy, budget, and operating direction over the facility.

In addition, the following regulations were found not met:

W186 - CFR 483.430(d)(1) The facility must provide sufficient direct care staff to manage and supervise clients in accordance with their individual program plans.

W249 – CFR 483.440(d)(1) Implement the Individual Program Plan

The deficiencies are described in CMS Form 2567, a copy of which is attached. The cited deficiencies indicate limitations in Rainier School Pat A's capacity to provide adequate services for clients. Significant corrections will be required before the facility can be found to be in compliance.

**Informal Dispute Resolution (IDR)**

You may request an IDR of the deficiencies on which this action is based. RCS must receive your request for an IDR no later than 10 calendar days after you receive this letter. To request an informal dispute resolution (IDR) meeting, please send your written request to: Informal Dispute Resolution Program Manager, PO Box 45600, Olympia, Washington 98504-5600. If you request an IDR, you must still submit a written credible allegation of compliance within the time limits described above. The written IDR request should:

1. Identify the specific deficiencies that are disputed;
2. Explain why you are disputing the deficiencies; and
3. Indicate the type of dispute resolution process you prefer (face-to-face, telephone conference or documentation review)

If requested, an IDR will be scheduled. During the informal process you have the right to present written and/or oral evidence refuting the deficiencies. The IDR process will not change the time frames stated in this letter, including the deadlines for achieving compliance and submitting a written credible allegation of compliance.

If you have any questions concerning the instructions contained in this letter, please contact me at (360) 725-2484.

Sincerely,



Gerald Heilinger, Field Manager  
ICF/IID Survey and Certification Program  
Residential Care Services

Enclosure

cc: Steve Chickering, CMS Regional Office  
Patrick Thrift, CMS Regional Office  
Julius Bunch, CMS Regional Office  
Bill Moss, Assistant Secretary, ALTSA  
Candace Goehring, Director, RCS  
Loida Baniqued, Chief, HQ Operations  
Angela Coats McCarthy, Assistant Attorney General  
Evelyn Perez, Assistant Secretary, DDA  
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