



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
AGING AND LONG-TERM SUPPORT ADMINISTRATION
PO Box 99250, Lakewood, WA 98496

One Mallards Landing, LLC
The Lodge at Mallard's Landing
7083 Wagner Way NW
Gig Harbor, WA 98335

RE: The Lodge at Mallard's Landing License # 2064

Dear Administrator:

This letter addresses Compliance Determination(s) 47069 (Completion Date 09/11/2024) and 44662 (Completion Date 08/12/2024).

The Department completed a follow-up inspection of your Assisted Living Facility on 09/11/2024 and found no deficiencies. Your facility meets the Assisted Living Facility licensing requirements.

The Department found that deficiencies for the following licensing laws and regulations were corrected:

WAC 388-78A-2690-6-a, WAC 388-78A-2690-12, WAC 388-78A-2690-1, WAC 388-78A-2690-5, WAC 388-78A-2690-6-b, WAC 388-78A-2690-6-c, WAC 388-78A-2690-10, WAC 388-78A-2690-10-a, WAC 388-78A-2690-10-b, WAC 388-78A-2690-11

The Department staff who did the on-site verification:

Michael Goulet, Complaint Investigator

If you have any questions, please contact me at (253)442-3013.

Sincerely,

Manfay Chan, Field Manager
Region 3, Unit D
Residential Care Services

This document was prepared by Residential Care Services for the Locator website.



Residential Care Services Investigation Summary Report

Provider/Facility: The Lodge at Mallard's Landing	Provider Type: Assisted Living Facility
License/Cert.#: 2064	Intake ID: 137634
Compliance Determination #: 44662	Region/Unit #: RCS Region 3 / Unit D
Investigator: Michael Goulet	
Investigation Date(s): 07/24/2024 through 08/12/2024	
Complainant Contact Date(s):	

Allegation(s):

1) Resident's family placed cameras in the resident's room without informing the facility.

Investigation Methods:

Sample:	Total residents: 78 Resident sample size: 5 Closed records sample size:
Observations:	General environment Resident Condition Residents in their rooms Camera in resident's room Signage inside resident's room door noting camera / recording in progress
Interviews:	Resident Staff Collateral Contact
Record Reviews:	Quality Assurance Interview (with resident's daughter) Facility Policy on cameras in resident apartments

Investigation Summary:

1) Per interview with facility staff, the camera in the named resident's room was known to the facility in relation to a quality assurance (QA) interview with the resident's daughter (performed by an outside QA company) on 7-1-24. Facility staff stated the camera was not removed, and that no notification had been made to residents or their families in regard to ongoing recording of both video and audio. Although the regulation requiring this notification was disseminated to facility staff on both 7-24-24 and 8-5-24, as of 8-12-24, no notification had been provided to resident and their families, and the camera had not been removed from the resident's room as required per regulations if all facility residents have not been informed of the use of the camera in the facility, and had not provided consent to be recorded (as per RCW 9.73 regarding rights to privacy). Per record review of the facility's own policy on cameras in resident apartments, signage is to be posted

notifying residents and staff of recording in progress, but this signage was only observed inside the resident's unit, and not outside the door to alert residents that they may be recorded. Facility staff did provide a copy of the facility's electronic monitoring contract, but this form was blank and per staff neither the resident nor their family had been requested to complete this form.

Cited as per WACs 388-78A-2680 (3b,c) and 388-78A-2690 (6a, 12)

Conclusion / Action:

- ☒ Failed Provider Practice Identified / Citation(s) Written
- ☐ Failed Provider Practice Not Identified / No Citation Written
- ☐ N/A



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Statement of Deficiencies	License #: 2064	Compliance Determination # 44662
Plan of Correction	The Lodge at Mallard's Landing	Completion Date
Page 1 of 3	Licensee: One Mallards Landing, LLC	08/12/2024

You are required to be in compliance at all times with all licensing laws and regulations to maintain your Assisted Living Facility license.

The department completed data collection for an unannounced on-site complaint investigation on 07/24/2024 and 08/05/2024 of:

The Lodge at Mallard's Landing
7083 Wagner Way NW
Gig Harbor, WA 98335

This document references the following complaint number(s): 137324, 137634

The following sample was selected for review during the unannounced on-site visit: 5 of 78 current residents and 0 former residents.

The department staff that investigated the Assisted Living Facility:

Michael Goulet, Complaint Investigator

From:
DSHS, Aging and Long-Term Support Administration
Residential Care Services, Region 3 , Unit D
PO Box 99250
Lakewood, WA 98496

As a result of the on-site visit(s), the department found that you are not in compliance with the licensing laws and regulations as stated in the cited deficiencies in the enclosed report.

Cory Cisneros

Residential Care Services

08/22/2024

Date

I understand that to maintain an Assisted Living Facility license, the facility must be in compliance with all the licensing laws and regulations at all times.

This document was prepared by Residential Care Services for the Locator website.

Statement of Deficiencies

License #: 2064

Compliance Determination # 44662

Plan of Correction

The Lodge at Mallard's Landing

Completion Date

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Licensee: One Mallards Landing, LLC

08/12/2024



9.3.24

Administrator (or Representative)

Date

WAC 388-78A-2690 Electronic monitoring equipment Resident requested use.

- (1) Audio or video monitoring equipment may not be installed in the assisted living facility to monitor any resident apartment or sleeping area unless the resident or the residents' representative has requested and consents to the monitoring.
- (5) The release of audio or video monitoring recordings by the facility is prohibited. Each person or organization with access to the electronic monitoring must be identified in the resident's negotiated service agreement.
- (6) If the resident requests the assisted living facility to conduct audio or video monitoring of his or her apartment or sleeping area, before any electronic monitoring occurs, the assisted living facility must ensure:
- (a) That the electronic monitoring does not violate chapter 9.73 RCW;
 - (b) The resident's roommate has provided written consent to electronic monitoring, if the resident has a roommate; and
 - (c) The resident and the assisted living facility have agreed upon a specific duration for the electronic monitoring and the agreement is documented in writing.
- (10) For the purposes of consenting to any audio electronic monitoring, the term "resident" includes:
- (a) The individual residing in the assisted living facility; or
 - (b) The resident's court-appointed guardian or attorney-in-fact who has obtained a court order specifically authorizing the court-appointed guardian or attorney-in-fact to consent to electronic monitoring of the resident.
- (11) If a resident's decision maker consents to audio electronic monitoring as specified in (10) above, the assisted living facility must maintain a copy of the court order authorizing such consent in the resident's record.
- (12) If the assisted living facility determines that a resident, resident's family, or other third party is electronically monitoring a resident's room or apartment without complying with the requirements of this section, the assisted living facility must disconnect or remove such equipment until the appropriate consent is obtained and notice given as required by this section.

This requirement was not met as evidenced by:

Based on interview, observation and record review the assisted living facility failed to remove a camera known to be recording both audio and video in a resident's (Resident 1) room prior to the notifying and receiving consent from all residents possibly affected by this recording, and failed to post signage visible to facility residents that recording of audio and video was occurring in the facility. This failure placed all 78 facility residents

Administrator (or Representative)

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This requirement was not met as evidenced by:

Based on interview, observation and record review the assisted living facility failed to remove a camera known to be recording both audio and video in a resident's (Resident 1) room prior to notifying and receiving consent from all residents possibly affected by this recording, and failed to post signage visible to facility residents that recording of audio and video was occurring in the facility. This failure placed all 78 facility residents

Statement of Deficiencies

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The Lodge at Mallard's Landing

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Licensee: One Mallards Landing, LLC

08/12/2024

at risk of having their rights violated by potentially being recorded without their consent.

Findings included...

Observation on 07/24/2024 at 10:10am, showed there was a camera in Resident 1's room. The camera in question was functioning in Resident 1's room, and the only signage posted noting the presence of the camera and that recording was in process was posted on the inside of the resident's door, where it would not be visible to residents or staff outside of the resident's room.

During an interview on 07/24/2024 at 9:30am, facility executive director (Staff A) stated that the facility had known of the camera in Resident 1's room since receiving a transcript of an interview with the resident's daughter conducted by a third-party quality assurance company on 07/01/2024, and that the camera was still in use in the resident's room at the time of this interview. Staff A stated that residents and their families had not been informed of the camera being in use and had not provided consent to potentially being recorded (audio and/or video) by said camera.

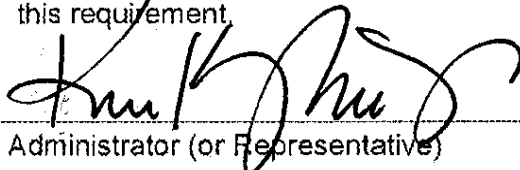
Record review on 07/25/2024 at 9:10am of the quality assurance report provided to the facility regarding the interview with the resident's daughter on 07/01/2024, showed that the facility was aware of the camera in the resident's room from this time.

During an interview on 08/05/2024 at 10:50am, Staff A stated that there had still been no notification of residents or families of the use of the camera in the facility, and that facility staff were "working on" notifying residents and families. As of 08/12/2024, there was no indication that any notification had been provided to facility residents or their families.

Plan/Attestation Statement

I hereby certify that I have reviewed this report and have taken or will take active measures to correct this deficiency. By taking this action, The Lodge at Mallard's Landing is or will be in compliance with this law and / or regulation on (Date) 9.3.24

In addition, I will implement a system to monitor and ensure continued compliance with this requirement.



Administrator (or Representative)

9.3.24
Date

at risk of having their rights violated by potentially being recorded without their consent.

Findings included...

Observation on 07/24/2024 at 10:10am, showed there was a camera in Resident 1's room. The camera in question was functioning in Resident 1's room, and the only signage posted noting the presence of the camera and that recording was in process was posted on the inside of the resident's door, where it would not be visible to residents or staff outside of the resident's room.

During an interview on 07/24/2024 at 9:30am, facility executive director (Staff A) stated that the facility had known of the camera in Resident 1's room since receiving a transcript of an interview with the resident's daughter conducted by a third-party quality assurance company on 07/01/2024, and that the camera was still in use in the resident's room at the time of this interview. Staff A stated that residents and their families had not been informed of the camera being in use and had not provided consent to potentially being recorded (audio and/or video) by said camera.

Record review on 07/25/2024 at 9:10am of the quality assurance report provided to the facility regarding the interview with the resident's daughter on 07/01/2024, showed that the facility was aware of the camera in the resident's room from this time.

During an interview on 08/05/2024 at 10:50am, Staff A stated that there had still been no notification of residents or families of the use of the camera in the facility, and that facility staff were "working on" notifying residents and families. As of 08/12/2024, there was no indication that any notification had been provided to facility residents or their families.

Plan/Attestation Statement

I hereby certify that I have reviewed this report and have taken or will take active measures to correct this deficiency. By taking this action, The Lodge at Mallard's Landing is or will be in compliance with this law and / or regulation on (Date)_____.

In addition, I will implement a system to monitor and ensure continued compliance with this requirement.

Administrator (or Representative)

Date