



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

January 15, 2025

**ELECTRONIC-FACSIMILE**

Administrator  
Merrill Gardens at Auburn  
18 1st St SE  
Auburn, WA 98002

Assisted Living Facility License # **2506**  
Licensee: Merrill Gardens at Auburn II, LLC

**IMPOSITION OF CIVIL FINES**

Dear Administrator:

On January 3, 2025, the Department of Social and Health Services (DSHS), Residential Care Services completed a follow-up visit at your facility. This letter constitutes formal notice of civil fines on the license for your assisted living facility, also known as **Merrill Gardens at Auburn**, located at **18 1st St SE, Auburn**, by the State of Washington, Department of Social and Health Services. These actions are taken under the authority granted pursuant to Laws of 1998, Chapter 272 and RCW 18.20.190.

The civil fines on the license are based on the following violation of the RCW and/or WAC as described in the attached Statement of Deficiencies (SOD) report dated January 3, 2025.

**Civil Fines**

**WAC 246-215-02310 Hands and arms—When to wash (FDA Food Code 2-301.14).**

**WAC 246-215-02305 (5)( Hands and arms—Cleaning procedure (FDA Food Code 2-301.12).**

**WAC 246-215-03515 (1)(a)(b)(2)(a)(b) Temperature and time control—Cooling (FDA Food Code 3-501.14).**

**WAC 246-215-03525 (1)(b) Temperature and time control Time/temperature control for safety food, hot and cold holding (FDA Food Code 3-501.16).**

Administrator  
Merrill Gardens at Auburn  
License #2506  
January 15, 2025  
Page 2

**WAC 388-78A-2305 (1) Food sanitation.**

**\$300.00**

**The licensee failed to ensure one staff member followed required hand sanitation guidelines. This failure placed all 47 residents at risk of contracting foodborne illnesses.**

**This is an uncorrected deficiency previously cited on November 1, 2024, for WAC 246-215-02310 subsection (5) and WAC 388-78A-2305 subsection (1).**

**WAC 388-78A-2320 (1)(a)(b) Intermittent nursing services systems.**

**\$600.00**

**The licensee failed to ensure that two residents receive nurse delegation services. This failure placed both residents at risk for improper medication administration and potential for compromised health.**

**This is an uncorrected deficiency previously cited on November 1, 2024.**

***NOTE: These are the violations, which resulted in the fines; see the attached Statement of Deficiencies for any additional violations.***

**Attestation (Plan of Correction):**

Return the enclosed SOD within 10 calendar days with the following:

- The date you have or will have each deficiency corrected.
- A signature and date attesting that you are taking actions to correct and maintain correction for each cited deficiency.

Return the signed and dated SOD to:

Laurie Anderson, Field Manager  
Region 2, Unit D  
20425 72<sup>nd</sup> Ave S suite 400  
Kent, WA 98032-2388  
Phone: (253)234-6020 / Fax: (253) 395-5071  
**[rcsregion2email@dshs.wa.gov](mailto:rcsregion2email@dshs.wa.gov)**

**Appeal Rights:**

You have two appeal rights: Informal Dispute Resolution (IDR) and an Administrative Hearing. Each has a different request timeline.

Informal Dispute Resolution [RCW 18.20.195]

Administrator  
Merrill Gardens at Auburn  
License #2506  
January 15, 2025  
Page 3

You have an opportunity to challenge the deficiencies and/or enforcement actions through the state's IDR process. **All IDR requests must be in writing and include:**

- The deficiencies you are disputing; and
- The method of review you prefer (face-to-face, telephone conference or documentation review).

**The written request must be received by the 10<sup>th</sup> working day from receipt of this letter.**

During the IDR process, you will have the opportunity to present written and/or oral evidence to dispute the deficiencies.

Send your **written** request to:

Informal Dispute Resolution Program Manager  
Residential Care Services  
PO Box 45600  
Olympia, Washington 98504-5600

#### Formal Administrative Hearing

You may contest the civil fines by requesting a formal administrative hearing to challenge the deficiency, which resulted in the civil fines. **All hearing requests must be in writing and include:**

- A copy of this letter; and
- A copy of the Statement of Deficiencies.

**The written request must be received within twenty-eight (28) calendar days of receipt of this letter.**

Send your **written** request to:

Office of Administrative Hearings  
PO Box 42489  
Olympia, Washington 98504-2489

#### **Payment:**

If you do not request a formal administrative hearing, the civil fines are due to the Office of Financial Recovery twenty-eight (28) calendar days after receipt of this letter.

Mail a check for **\$900.00** payable to the 'Department of Social and Health Services', **and if you have or have had a Medicaid resident(s), please include your ProviderOne ID Number # on the check,** to:

Administrator  
Merrill Gardens at Auburn  
License #2506  
January 15, 2025  
Page 4

DSHS Office of Financial Recovery  
PO Box 9501  
Olympia, WA 98507-9501  
(360) 664-5919 / FAX: (360) 664-8401  
[OFRMMISVendor@dshs.wa.gov](mailto:OFRMMISVendor@dshs.wa.gov)

If the Office of Financial Recovery has not received your payment 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 per month. If you do not submit a hearing request or make payment within twenty-eight (28) days, the balance due will be recovered.

If you have any questions, please contact Laurie Anderson, Field Manager, at (253) 234-6020.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Matt Hauser', with a long horizontal flourish extending to the right.

Matt Hauser  
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  
HQ Central Files  
DRW  
SN