



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do NOT use for expedited rule making

**Agency:** Department of Social and Health Services, Aging and Disability Services Administration

**Subject of possible rule making:**  
The department is amending sections in chapter 388-71 WAC, Home and Community Services and Programs and sections in chapter 388-106 WAC, Long-Term Care Services.

**Statutes authorizing the agency to adopt rules on this subject:**  
RCW 74.08.090; RCW 74.09.520; SHB 2361, Chapter 571, Laws of 2009; Washington State 2009-11 Budget (Engrossed Substitute House Bill 1244)

**Reasons why rules on this subject may be needed and what they might accomplish:**  
The department is amending rules in Chapters 388-71 and 388-106 WAC in accordance with Substitute House Bill 2361 (SHB 2361), Chapter 571, Laws of 2009. The law prohibits the department from paying a home care agency licensed under Chapter 70.127 RCW for Medicaid funded in-home personal care or respite services if the care is provided to a client by a family member. The department may authorize exceptions based on the client's health and safety. These rules will not affect the amount, duration, or scope of the personal care or respite services benefit to which the client may be entitled.  
Other policy changes that arise during this rule-making may be incorporated. Other WAC chapters may need to be updated as a result of this rule-making.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**  
N/A

**Process for developing new rule (check all that apply):**  
 Negotiated rule making  
 Pilot rule making  
 Agency study  
 Other (describe)  
DSHS welcomes the public to take part in developing these rules. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file the proposed rules with the Office of Code Reviser with a notice of proposed rule making and send the proposal to everyone currently on the mailing list and anyone else who requests a copy.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**  
(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Contact:  
Tiffany Sevrut  
P.O. Box 45600  
Olympia, WA 98504  
Phone: 360-725-2538      Fax: 360-438-8633      TTY: 360-493-2637  
E-mail: sevruta@dshs.wa.gov

**DATE**  
August 25, 2009

**NAME (TYPE OR PRINT)**  
Stephanie Vaughn

**SIGNATURE**  
*Stephanie E Vaughn*

**TITLE**  
DSHS Rules Coordinator

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FILED**

**DATE: September 01, 2009  
TIME: 10:48 AM**

**WSR 09-18-090**