



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

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

- Preproposal Statement of Inquiry was filed as WSR 09-14-071 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

The department intends to amend the following sections: WAC 388-76-10025 License annual fee; and WAC 388-76-10070 Application-Fee required.

The department intends to add one new section WAC 388-76-10073 Application-Processing fees required.

Hearing location(s):

Blake Office Park East – Rose Room
4500 – 10th Ave. SE
Lacey, Washington 98503
(One block north of the intersection of Pacific Ave. SE and Alhadeff Lane. A map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling 360-664-6094)

Date: **October 6, 2009** Time: **10:00 a.m.**

Submit written comments to:

Name: DSHS Rules Coordinator
Address: PO Box 45850, Olympia WA, 98504-5850
Delivery: 4500 – 10th Ave. SE, Lacey, Washington 98503
E-mail: DSHSRPAURulesCoordinator@dshs.wa.gov
Fax: (360) 664-6185

by
5 p.m. on October 6, 2009

Assistance for persons with disabilities: Contact Jennisha Johnson, DSHS Rules Consultant by September 22, 2009
TTY (360) 664-6178 or (360) 664-6094 or
by e-mail at johnsjl4@dshs.wa.gov

Date of intended adoption: Not earlier than October 7, 2009
(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Recently enacted 2SHB 1935 increased the application processing and yearly license fees for adult family home applicants and providers. The new fees had to be implemented by July 26, 2009 via emergency. The impact of the proposed rule is to make the rule clearer, easier to read, understand, and apply.

Statutory authority for adoption:

RCW 70.128.040

Statute being implemented:

Chapter 70.128 RCW

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE

August 28, 2009

NAME (type or print)

Stephanie Vaughn

SIGNATURE

TITLE

DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 02, 2009

TIME: 9:49 AM

WSR 09-18-118

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Department of Social and Health Services

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Maureen Lally	P.O. Box 45600, Olympia, WA 98513	(360)725-3204
Implementation.... Lori Melchiori	P.O. Box 45600, Olympia, WA 98513	(360)725-2404
Enforcement..... Lori Melchiori	P.O. Box 45600, Olympia, WA 98513	(360)725-2404

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ()

fax ()

e-mail

No. Explain why no statement was prepared.

We are not required under RCW 19.85.025 (3) to prepare a SBEIS for rules adopting or incorporating Washington State statutes.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No: Please explain:

We are not required under RCW 34.05.328(5)(b) to prepare a CBA since the proposed significant legislative rules adopt or incorporate, by reference without material change, Washington State statutes.

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

WAC 388-76-10025 License annual fee. (1) The adult family home must pay an annual license fee (~~((is fifty dollars per adult family home per year))~~) as required in chapter 70.128 RCW.

(2) The home must send the annual license fee to the department upon receipt of notice of fee due.

~~((3) If the department does not renew the license, the annual license fee is refundable.))~~

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

WAC 388-76-10070 Application--Fees required. (1) The applicant must (~~send a one hundred dollar fee with the application form:~~

~~(a) Fifty dollars of this fee is the application processing fee; and~~

~~(b) Fifty dollars is the annual license fee))~~ pay all processing and license fees established by chapter 70.128 RCW.

(2) The applicant must submit the required fees with the application form.

(3) The processing fee will be returned as required by chapter 70.128 RCW.

(4) The ~~((fifty dollar annual))~~ license fee will be returned to the applicant ~~((by the department))~~ if the application is withdrawn, voided or the license is denied.

NEW SECTION

WAC 388-76-10073 Application--Processing fees required. The processing fee, required in chapter 70.128 RCW, applies to any application submitted to the department, including but not limited to an application for initial licensure, change of ownership, or a change of location.