



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 09-14-068 ; 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 is amending and creating new sections to Chapter 388-101 WAC – Certified Community Residential Services and Supports. Please see Attachment A for the specific sections.

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://www.dshs.wa.gov/msa/rpau/docket.html> or by calling 360-664-6094)
 Date: **December 8, 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 December 8, 2009

Date of intended adoption: Not earlier than December 9, 2009 (Note: This is **NOT** the **effective** date)

Assistance for persons with disabilities: Contact Jennisha Johnson, DSHS Rules Consultant by November 24, 2009 TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsj14@dshs.wa.gov

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of amending these rules is to make editorial and clarifying changes and to make the rules consistent with current law and standards. The anticipated effects are to make the rules clearer, easier to read, understand and apply.

- Highlights of proposed changes:
- Editorial and housekeeping changes in the following sections: title for mandated reporting policies and procedures; and notice and appeal rights.
 - Clarifies when notice is considered complete and what constitutes proof of notice.
 - Clarifies that the service provider is responsible to implement, not develop the treatment plan required for clients in the community protection program (CPP).
 - Eliminates from this chapter CPP treatment plan rules that are not service provider requirements but that are CPP program requirements in Chapter 388-831 WAC.
 - Clarifies when the department may or must deny an application for certification.
 - Clarifies that individuals who are on a state registry with a finding of abuse, neglect, financial exploitation, or abandonment cannot have unsupervised access to clients.
 - Adds existing liability insurance contract requirements to rule.
 - Clarifies requirements for ensuring that common household expenses are shared equitably among clients living in the same household.
 - Clarifies that group home providers applying for a change of ownership must also meet applicable adult family home or boarding home licensing requirements for change of ownership.
 - Adds a section to clarify that certification evaluation reports and plans of correction must be made available upon request.
 - Adds a section regarding requirements for the safe use of medical devices.

Reasons supporting proposal:
See above.

Statutory authority for adoption:
RCW 71A.12.080

Statute being implemented:
Chapter 71A.12 RCW

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE
October 15, 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: October 20, 2009
TIME: 12:59 PM

WSR 09-21-094

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..... John Gaskell	P.O. Box 45600, Olympia, WA 98513	(360) 725-3210
Implementation.... Joyce Stockwell	Same	(360) 725-2401
Enforcement..... Joyce Stockwell	Same	(360) 725-2401

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.

RCS analyzed the proposed amendments and concludes that costs to small businesses will be minor, if there are any costs at all. The primary purpose of the proposed amendments is to make editorial and clarifying changes and to make the rules consistent with current laws and standards. As a result, the preparation of a SBEIS is not required.

Is a cost-benefit analysis required under RCW 34.05.328?

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

Name: John Gaskell

Address: P.O. Box 45600
Olympia, WA 98504-5600

phone (360) 725-3210

fax (360) 438-7903

e-mail gaskejw@dshs.wa.gov

No: Please explain:

Attachment A to CR-102
Chapter 388-101 WAC

The department is proposing amendments to the following existing WAC sections:

- 388-101-3060 Change of ownership.
- 388-101-3080 The department may deny – Application.
- 388-101-3090 The department must deny – Application.
- 388-101-3250 Background checks.
- 388-101-3520 Client related funds.
- 388-101-4010 Community protection – Written individual plan.
- 388-101-4170 Mandating reporting policies and procedures.
- 388-101-4270 Notice of preliminary finding.
- 388-101-4280 Reporting preliminary findings.
- 388-101-4290 Disputing a preliminary finding.
- 388-101-4300 Disclosure of investigative and finding information.
- 388-101-4310 Hearing procedures to dispute a preliminary finding.
- 388-101-4320 Appeal of the administrative law judge's preliminary order on a finding.
- 388-101-4330 Finalizing a preliminary finding.
- 388-101-4340 Reporting final findings.

The department is proposing the following new sections:

- 388-101-3055 Application for initial certification – Liability insurance required.
- 388-101-3165 Access to certification evaluation report and plan of correction.
- 388-101-3205 Liability insurance required – Ongoing.
- 388-101-3206 Liability insurance required – Commercial general liability insurance or business liability insurance coverage.
- 388-101-3207 Liability insurance required – Professional liability insurance coverage.
- 388-101-3372 Medical devices.
- 388-101-4269 Individual defined.
- 388-101-4350 Notice – Service complete.
- 388-101-4360 Notice – Proof of service.

NEW SECTION

WAC 388-101-3055 Application for initial certification--Liability insurance required. (1) The applicant must submit insurer executed evidence of liability insurance coverage before certification.

(2) The coverage and evidence of coverage must comply with the requirements of WAC 388-101-3206 and 388-101-3207.

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-3060 Change of ownership. (1) To apply for a change of ownership, an applicant must submit an application and the required reports and documents to the department when there is a change of:

(a) The business entity ownership; or

(b) The form of legal organization.

(2) (~~The service provider~~) When applying for a change of ownership, an applicant may be required to provide any or all items listed in WAC 388-101-3050.

(3) For group homes, applicants must also meet the applicable change of ownership requirements found in:

(a) WAC 388-76-10105 for licensed adult family homes; or

(b) WAC 388-78A-2770 through 388-78A-2787 for licensed boarding homes.

(4) If the applicant is not a current service provider, the applicant must apply for initial certification.

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-3080 The department may deny--Application. (1) The department may deny an application for initial certification if the department has determined:

(a) That funding is not available; or

(b) There is not a programmatic need for additional service providers in the area of the state the applicant intends to serve.

(2) The department may deny the application for initial certification or change of ownership if any person named in the application has:

~~((1) Has))~~ (a) Shown a lack of the understanding, ability, or emotional stability that is necessary to meet the identified needs

of vulnerable adults;

~~((72))~~ (b) Had a ~~((department))~~ contract~~((7))~~ terminated or a certification((7)) or license ((withdrawn)) revoked or denied by the department, or has been subjected to department enforcement actions;

~~((73))~~ (c) Had a contract terminated, or a certification((7)) or license ((withdrawn)) revoked or denied in another state, or ((was)) has been subjected to an enforcement action in another state;

~~((74))~~ (d) Obtained or attempted to obtain a license or certification by fraudulent means or misrepresentation;

~~((75) Has)~~ (e) Relinquished or been denied a license or license renewal to operate a home or facility that was licensed for the care of children or vulnerable adults;

~~((76))~~ (f) Refused to permit authorized department representatives to interview clients or to have access to client records;

~~((77) Has)~~ (g) Been convicted of a drug-related conviction within the past five years without evidence of rehabilitation, unless denial is required under WAC 388-06-0180(4); or

~~((78) Has)~~ (h) Been convicted of an alcohol-related conviction within the past five years without evidence of rehabilitation.

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-3090 The department must deny--Application. (1)

The department must deny an application for initial certification or change of ownership if any person named in the application ~~((was)) has been:~~

~~((71))~~ (a) Convicted of a crime ~~((against children or other persons or crimes relating to financial exploitation as defined under RCW 43.43.830 or 43.43.842)) listed under WAC 388-06-0170(1);~~

(b) Convicted of a disqualifying crime under WAC 388-06-0180;

~~((72))~~ (c) Found by a court in a criminal proceeding, a protection proceeding, or in a civil damages lawsuit under chapter 74.34 RCW to have abused, neglected, abandoned, or financially exploited a vulnerable adult;

~~((73))~~ (d) Found in any dependency action ~~((under chapter 13.34 RCW)) to have sexually assaulted, neglected, exploited, or physically abused any minor;~~

~~((74))~~ (e) Found by a court in a domestic relations proceeding under Title 26 RCW, or any comparable state or federal law, to have sexually abused, exploited, or physically abused any minor;

~~((75))~~ (f) Found in any final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or to have abused, neglected, abandoned, or financially exploited any vulnerable adult, as defined under chapter 74.34 RCW; or

~~((76) The subject of a stipulated finding of fact, conclusion~~

~~of law, an agreed order, finding of fact, final order issued by a disciplining authority or final decision by any federal or state agency or department, a court of law, or entered into a state registry or department or agency list with a finding of abuse, neglect, financial exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW)) (g) Found to have abused, neglected, financially exploited, abandoned, or mistreated a minor or vulnerable adult, as defined in chapter 74.34 RCW, and the finding has been entered on any department registry or on any state or federal agency list.~~

~~(2) The department must deny an application for initial certification or change of ownership if any person named in the application has a pending criminal charge as described in WAC 388-06-0200.~~

NEW SECTION

WAC 388-101-3165 Access to certification evaluation report and plan of correction. The service provider must make the certification evaluation report and related plan of correction available to anyone upon request.

NEW SECTION

WAC 388-101-3205 Liability insurance required--Ongoing. The service provider must:

(1) Maintain liability insurance as required in WAC 388-101-3206 and 388-101-3207; and

(2) Have evidence of liability insurance coverage available if requested by the department.

NEW SECTION

WAC 388-101-3206 Liability insurance required--Commercial general liability insurance or business liability insurance coverage. The service provider must have commercial general liability insurance or business liability insurance that includes:

(1) Coverage for the acts and omissions of any employee and volunteer;

(2) Coverage for bodily injury, property damage, and contractual liability;

(3) Coverage for premises, operations, independent contractors, products-completed operations, personal injury, advertising injury, and liability assumed under an insured

contract; and

(4) Minimum limits of:

(a) Each occurrence--one million dollars;

(b) General aggregate--two million dollars; and

(c) For community protection service providers--three million dollars general aggregate.

NEW SECTION

WAC 388-101-3207 Liability insurance required--Professional liability insurance coverage. If the service provider employs professional staff, the service provider must have professional liability insurance or errors and omissions insurance. The insurance must include:

(1) Coverage for losses caused by errors and omissions of the service provider, its employees, and volunteers; and

(2) Minimum limits of:

(a) Each occurrence--one million dollars; and

(b) General aggregate--two million dollars.

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-3250 Background checks. (1) Service providers must follow the background check requirements described in chapter 388-06 WAC and in this chapter. In the event of an inconsistency, this chapter applies.

(2) The service provider must obtain background checks including, but not limited to background inquiries and criminal history disclosure from the department for all administrators, employees, volunteers, students, and subcontractors who may have unsupervised access to clients.

~~((2))~~ (3) The service provider must not allow the following persons to have unsupervised access to clients until the service provider receives successful background check results from the department:

(a) Administrators;

(b) Employees;

(c) Volunteers or students; and

(d) Subcontractors.

~~((3) Service providers or applicants))~~ (4) Persons identified in subsection (2) of this section who have lived in Washington state less than three years or who are otherwise required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period ~~((as allowed under law))~~ when:

(a) The ~~((applicant or service provider))~~ person is not disqualified based on the initial result of the background check

from the department; and

(b) A fingerprint-based background check is pending.

~~((+4))~~ (5) The service provider must notify the person, within ten days of receiving the result, that he or she may request a copy of the background check.

~~((+5))~~ (6) The service provider must renew the background check at least every thirty-six months and keep current department background checks for each administrator, employee, volunteer, student, or subcontractor of a service provider.

~~((+6))~~ (7) Licensed boarding homes or adult family homes must adhere to the current regulations in this chapter and in the applicable licensing laws.

~~((+7))~~ (8) Service providers must ~~((follow the requirements of RCW 43.43.830 through 43.43.842 and RCW 74.15.030))~~ prevent unsupervised access to clients by any administrator, employee, subcontractor, student, or volunteer who has a disqualifying conviction or finding described in WAC 388-101-3090.

NEW SECTION

WAC 388-101-3372 Medical devices. (1) For purposes of this section the term "medical device" means any piece of medical equipment used to treat a client's assessed need.

(2) Use of medical devices often poses a safety risk for clients. Examples of medical devices with known safety risks are transfer poles, helmets, straps and belts on wheelchairs or beds, and bed side rails.

(3) Medical devices must not be used by the service provider:

- (a) As a restraint; or
- (b) For staff convenience.

(4) Before using medical devices for any client, the service provider must:

(a) Review the client's assessment to identify the client's need;

(b) Identify and implement interventions that might decrease the need for the use of a medical device;

(c) Document the use of less restrictive and less invasive options, successful or not;

(d) Provide the client and client's family or legal representative with information about the anticipated benefits and safety risks of using the device to enable them to make an informed decision about whether or not to use the device;

(e) Obtain a current physician's order that describes the medical necessity for use of the device and the anticipated duration of use; and

(f) Provide written instructions to staff regarding safe and proper use of the device.

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-3520 Shared expenses and client related funds.

(1) For purposes of this section "common household expenses" means costs for rent, shared food and household supplies, and utilities, including but not limited to water, garbage, cable television/radio, telephone, and electricity.

(2) The service provider must ensure that common household expenses are shared equitably among all clients living in the household.

(3) If the service provider ((does not manage the client's funds and)) receives funds for the client from any source, the service provider must be able to show that all the funds received are:

((1)) (a) Given to the client or the client's legal representative;

((2)) (b) Deposited to the client's account; or

((3)) (c) Used only for the client.

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-4010 Community protection--((Written individual))

Treatment plan. ((1)) The community protection service provider must ((develop and)) implement ((a)) the client's ((written individual)) treatment plan as ((required in the residential services contract and that is based on:

(a) A qualified professional's risk assessment of emotional and behavioral issues related to community protection risks; or

(b) A written risk assessment and treatment recommendations by:

(i) A sexual offender treatment provider or sexual offender treatment provider affiliate if the client has a sexual offense history; or

(ii) A licensed psychologist or psychiatrist with specialized training in the treatment of or three or more years' experience treating violent or aggressive behavior when the person being assessed has demonstrated violent, dangerous, or aggressive behavior.

(2) In addition to the requirements in WAC 388-101-3460 through 388-101-3510, the community protection service provider must include the following in the client's written individual plan:

(a) Intervention strategies and techniques related to community protection risks;

(b) Restrictions and measures, including security precautions; and

(c) A therapist's approval of the written individual plan.

(3) For community protection clients with a history of sexual offending, the assessment by a certified sexual offender treatment provider or sexual offender treatment provider affiliate may serve as the functional assessment and treatment recommendations related

to the sexual behaviors)) written by a qualified professional/therapist in accordance with any procedures published by the department.

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-4170 ((Mandating)) Mandated reporting policies and procedures. (1) The service provider must develop, train on and implement written policies and procedures for:

- (a) Immediately reporting mandated reporting incidents to:
 - (i) The department and law enforcement;
 - (ii) Appropriate persons within the service provider's agency as designated by the service provider; and
 - (iii) The alleged victim's legal representative.
- (b) Protecting clients;
- (c) Preserving evidence when necessary; and
- (d) Initiating an outside review or investigation.

(2) The service provider must not have or implement any policies or procedures that interfere with a mandated reporter's obligation to report.

NEW SECTION

WAC 388-101-4269 Individual defined. As used in WAC 388-101-4270 through 388-101-4340, the term "individual" means anyone used by the service provider to provide services to clients who is alleged to have abandoned, abused, neglected, or financially exploited a client. "Individual" includes but is not limited to administrators, employees, contractors, subcontractors, volunteers, and students.

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-4270 Notice to individual of preliminary findings. (1) The department will ~~((notify the alleged perpetrator in writing within ten working days of making a preliminary finding of abandonment, abuse, neglect or financial exploitation of a client. The written notice:~~

- ~~(a) Will not include the identities of the alleged victim, reporter and witnesses; and~~
- ~~(b) Will include the necessary information for the alleged perpetrator to ask for an administrative hearing to challenge the~~

~~preliminary finding)) serve notice of the preliminary finding as provided in WAC 388-101-4350.~~

~~(2) ((The department must make a reasonable, good faith effort to determine the last known address of the alleged perpetrator.~~

~~(3) The department will serve notice of the preliminary finding as provided in chapter 388-02 WAC.~~

~~(4)) The department may ((extend the time frame for written notification beyond ten working days for good cause)) establish proof of service as provided in WAC 388-101-4360.~~

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-4280 ((Reporting)) Notice to others of preliminary findings. ~~((1) In a manner)) Consistent with confidentiality requirements concerning the client, witnesses, and reporter, the department may provide notification of a preliminary finding to:~~

~~((a)) (1) Other divisions within the department;~~

~~((b)) (2) The agency or program identified under RCW 74.34.068 with which the ((alleged perpetrator is)) individual was associated as an employee, volunteer or contractor;~~

~~((c)) (3) The employer or program that is currently associated with the individual ((alleged to have abandoned, abused, neglected, or financially exploited a client, if known));~~

~~((d)) (4) Law enforcement; ((and))~~

~~((e)) (5) Other entities as authorized by law and this chapter including investigative authorities consistent with chapter 74.34 RCW; and~~

~~(6) The appropriate licensing agency.~~

~~((2) The notification will identify the finding as a preliminary finding.))~~

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-4290 Disputing a preliminary finding. (1) An ~~((alleged perpetrator of abandonment, abuse, neglect, or financial exploitation of a client)) individual~~ may request an administrative hearing to challenge a preliminary finding made by the department.

(2) The request must be made in writing to the office of administrative hearings.

(3) The office of administrative hearings must receive the ~~((alleged perpetrator's)) individual's~~ written request for a hearing within thirty calendar days of the date written on the notice of the preliminary finding.

(4) The written request for a hearing must include:

(a) The full legal name, current address and phone number of

the ~~((alleged perpetrator))~~ individual;

(b) A brief explanation of why the ~~((alleged perpetrator))~~ individual disagrees with the preliminary finding;

(c) A description of any assistance needed in the administrative appeal process by the ~~((alleged perpetrator))~~ individual, including a foreign language or sign language interpreter or any reasonable accommodation for a disability; and

(d) The ~~((alleged perpetrator's))~~ individual's signature.

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-4300 Disclosure of investigative and finding information. (1) Confidential information about clients and mandated reporters received from the department may only be used by the ~~((alleged perpetrator))~~ individual to challenge ~~((preliminary))~~ findings through the appeal process. It may only be shared with persons who are involved in the appeal.

(2) Confidential information such as the name and other personal identifying information of the reporter, witnesses, or the client will be redacted from documents unless release of that information is consistent with chapter 74.34 RCW and other applicable state and federal laws.

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-4310 Hearing procedures to dispute a preliminary finding. (1) Chapters 34.05 and 74.34 RCW, chapter 388-02 WAC, and the provisions of this chapter govern any appeal regarding a preliminary finding. In the event of a conflict between the provisions of this chapter and chapter 388-02 WAC, the provisions of this chapter shall prevail.

(2) The administrative law judge shall determine whether the preliminary finding is supported by a preponderance of the evidence ~~((supports the preliminary finding that the alleged perpetrator abandoned, abused, neglected, or financially exploited a vulnerable adult, and shall issue a preliminary order))~~.

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-4320 Appeal of the ~~((administrative law judge's preliminary))~~ initial order ~~((on a finding))~~. (1) If the ~~((alleged~~

perpetrator)) individual or the department disagrees with the administrative law judge's decision, either party may challenge this decision by filing a petition for review with the department's board of appeals under chapters 34.05 RCW and 388-02 WAC.

(2) If the department appeals the administrative law judge's decision, the department will not modify the finding in the department's records until a final hearing decision is issued.

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-4330 Finalizing a preliminary finding. (1) A preliminary finding becomes a final finding when:

(a) The department gives the ~~((alleged perpetrator))~~ individual notice of the preliminary finding ~~((pursuant to))~~ under WAC 388-101-4270 and the ~~((alleged perpetrator))~~ individual does not request an administrative hearing;

(b) The administrative law judge:

(i) Dismisses the ~~((hearing))~~ appeal following withdrawal of the appeal or default; or

(ii) Issues ~~((a preliminary))~~ an initial order upholding the finding and the ~~((alleged perpetrator))~~ individual fails to appeal the ~~((preliminary))~~ initial order to the department's board of appeals; or

(c) The board of appeals issues a final order upholding the finding.

(2) The final finding is permanent and will only be removed from the department's records if ~~((:~~

~~((a)))~~ it is rescinded following judicial review ~~((; or~~

~~((b) The department may decide to remove the single finding of neglect from its records based upon a written petition by the alleged perpetrator provided that no further findings have occurred, and at least one calendar year has passed since the finding was finalized and recorded)).~~

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-4340 Reporting final findings. (1) The department will report a final finding of abandonment, abuse, neglect ~~((and)),~~ or financial exploitation within ten working days to the following:

(a) The ~~((perpetrator))~~ individual against whom the final finding was made;

(b) The service provider that was associated with the ~~((perpetrator))~~ individual during the time of the incident;

(c) The service provider that is currently associated with the ~~((perpetrator))~~ individual against whom the final finding was made,

if known;

(d) The appropriate licensing, contracting, or certification authority; and

(e) ~~((The))~~ Any federal or state ~~((department))~~ registry or ~~((agency))~~ list of individuals found to have abandoned, abused, neglected, or financially exploited a vulnerable adult.

(2) The findings may be disclosed to the public upon request subject to applicable public disclosure laws.

NEW SECTION

WAC 388-101-4350 Notice--Service complete. Service of the department notices is complete when:

(1) Personal service is made;

(2) The notice is addressed to the service provider or to the individual at his or her last known address, and deposited in the United States mail;

(3) The notice is faxed and the department receives evidence of transmission;

(4) Notice is delivered to a commercial delivery service with charges prepaid; or

(5) Notice is delivered to a legal messenger service with charges prepaid.

NEW SECTION

WAC 388-101-4360 Notice--Proof of service. The department may establish proof of service by any of the following:

(1) A declaration of personal service;

(2) An affidavit or certificate of mailing to the service provider or to the individual to whom the notice is directed;

(3) A signed receipt from the person who accepted the certified mail, the commercial delivery service, or the legal messenger service package; or

(4) Proof of fax transmission.