



RULE-MAKING ORDER

CR-103E (May 2009)
(Implements RCW 34.05.360)

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

Emergency Rule Only

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) 07/26/09

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose:

Recently enacted state statute E2SHB 1935 increased the adult family home application processing fee and yearly licensing fee for adult family home applicants and providers. Governor Gregoire signed the bill into law on May 18, 2009, effective July 26, 2009.

Citation of existing rules affected by this order:

Repealed: none
 Amended: WAC 388-76-10025, WAC 388-76-10070
 Suspended: none

Statutory authority for adoption: chapter 70.128 RCW

Other authority: NA

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: The legislature just passed E2SHB 1935 which increased the application processing fee and annual licensing fee for adult family home applicants. In order for the cost savings to be realized and to meet the effective date of the bill, these rules must be adopted by emergency.

Date adopted:

June 29, 2009

NAME (TYPE OR PRINT)

Stephanie Schiller

SIGNATURE

TITLE

DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 24, 2009

TIME: 12:28 PM

WSR 09-16-019

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>2</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>2</u>	Repealed	_____

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~~) adult family home license is not renewed, 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.