STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Home and Community Living Administration
Residential Care Services • PO BOX 45600 • Olympia, WA

09/15/2026

HCLA: NH #2026-039
CR-101 (Preproposal Statement of Inquiry) Filed to Allow Nursing Assistants to Petition the Department to Have Their Eligibility Status Changed in the OBRA Registry

Dear Provider/Administrator:

The Department of Social and Health Services (department) is informing you that Residential Care Services (RCS) filed a CR-101 a preproposal statement of inquiry (announcing the start of a formal rulemaking process) under WSR 26-18-031. The purpose of this rulemaking is to create a new chapter WAC 388-97A, for the Omnibus Reconciliation Act (OBRA) and a new section to create a process for Nursing Assistants Certified (NA-Cs) to petition the department to have their "ineligible" status removed from the OBRA Registry when certain criteria is met.

Adult Protective Services (APS) is required under RCW 74.39A.056 to create and maintain a registry for individuals with substantiated findings of abuse, neglect, or exploitation. This is a distinct registry from the OBRA requirement and state law does not currently have a mechanism for a person to be removed from the APS registry. This has resulted in confusion and litigation. The department wants to make it clear that there are two distinct registries and need rules in place that allow NA-Cs to request a change in their eligibility status on the registry.

The schedule for the interested party engagement meetings will be announced at a later date.

For questions related to the rulemaking process, please contact Molly Engelke, Lead Policy Program Manager at (360)742-6966 or RCSPolicy@dshs.wa.gov.

For questions related to the OBRA Registry, please contact Anne Richter, OBRA Registry Manager at (360)628-1352 or anne.richter@dshs.wa.gov

Sincerely,

Amy Abbott, Director
Residential Care Services

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