



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:
Chapter 388-96 WAC Nursing facility Medicaid payment system.

Statutes authorizing the agency to adopt rules on this subject:
Chapter 564, Laws of 2009 and Chapter 74.46 RCW

- Reasons why rules on this subject may be needed and what they might accomplish::**
- WAC 388-96-758 and 759 to incorporate changes made in the low-wage worker add-on by Chapter 564, Laws of 2009 Sec. 206 (12);
 - WAC 388-96-904 to clarify applying for an adjudicative proceeding;
 - WAC 388-96-718 to allow e-mail notices;
 - WAC 388-96-781 to add Expanded Community Services (ECS), Extraordinary Medical Placement (EMP), and Vent –Trach (VT) as categories;
 - WAC 388-96-366 through WAC 388-96-384 that authorizations from clients' trust funds must be obtained for each disbursement;
 - WAC 388-96-572 to address the treatment of no salvage value assets;
 - WAC 388-96-366 (3) to increase amount of a resident's funds that a NH must deposit from \$50 to \$100;
 - WAC 388-96-580 to clarify allowable leased office equipment;
 - WAC 388-96-542 to address the "may" in the definition of "Home and Central Office Costs": "... The department may exclude from this definition costs that are nonduplicative, documented, ordinary, necessary, and related to the provision of care services to authorized patients." found in RCW 74.46.020; and
 - WAC 388-96-766 to codify the use of e-mail notices as being legally sufficient. Also, requiring nursing facilities to maintain a current e-mail address with the department.

Also, to clarify regulations by codifying current policies and practices and editing previous codifications for substance and form. All sections may be amended including but not limited to the following:

- Rules to govern accounts receivable audits addressing requirements of the NH, overpayments, and interest;
- Adopt a definition of "Direct Care Supplies" in WAC 388-96-010;
- Adopt a new section about re-calculating the direct care rate when a nursing home unbanks beds; addressing what days to use (RCW 74.46.431 (13)); and
- Amend sections to clarify when minimum occupancy will be used in setting the component rates;

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None

Process for developing new rule (check all that apply):

Negotiated rule making
 Pilot rule making
 Agency study
 Other (describe)

ADSA welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone 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:

Patricia Hague
 Aging and Disability Services Administration Phone: (360) 725-2447 Fax: (360) 725-2641 TTY:
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DATE
August 6, 2009

NAME (TYPE OR PRINT)
Don Goldsby

SIGNATURE

TITLE
Manager, Rules and Policies Assistance Unit

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