



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Social and Health Services, Aging and Long-Term Support Administration

- Preproposal Statement of Inquiry** was filed as WSR: 14-06-083; 13-04-089; 14-06-082; 13-03-147; and 14-08-042 or
- Expedited Rule Making--Proposed notice** was filed as WSR:___; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

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

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

The Aging and Long-Term Support Administration is proposing to amend the following: WAC 388-96-381 Procedure for refunding resident personal funds; WAC 388-96-738 What default case mix group and weight must the department use for case mix grouping when there is no minimum data set resident assessment for a nursing facility resident?; WAC 388-96-739 How will the department determine which resident assessments are medicaid resident assessments?; WAC 388-96-718 Public process for determination of rates; WAC 388-96-585 Unallowable Costs; and WAC 388-96-809 Change of ownership – final reports – settlement securities

Hearing location(s):

Office Building 2
DSHS Headquarters
1115 Washington
Olympia, WA 98504

Public parking at 11th and Jefferson. A map is available at:
<http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>

Date: March 24, 2015 Time: 10:00 a.m.

Date of intended adoption: Not earlier than March 25, 2015
(Note: This is **NOT** the effective date)

Submit written comments to:

Name: DSHS Rules Coordinator
Address: PO Box 45850
Olympia, WA 98504
e-mail: DSHSRPAURulesCoordinator@dshs.wa.gov
fax: (360) 664-6185

by: 5:00 p.m. March 24, 2015

Assistance for persons with disabilities: Contact:

Jeff Kildahl, DSHS Rules Consultant by
Phone: (360) 664-6092 or TTY: (360) 664-6178
Email: Kildaja@dshs.wa.gov

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

WAC 388-96-381 will increase the time a facility has to return resident funds from one week to thirty days and will align with a similar WAC in chapter 388-97 WAC.
WAC 388-96-738 and WAC 388-96-739 will update references in the WAC to minimum data set (MDS) 3.0 to reflect the currently used terminology and clarify the department's position on who will be counted as a Medicaid resident. WAC 388-96-718 will update the language to allow for notifications to be sent via email in addition to USPS mail.
WAC 388-96-585 will address unallowable expenses on the Nursing Facility cost reports used to determine the Nursing Facility Medicaid Rates. Currently, travel expenses outside of Idaho, Oregon, Washington, and British Columbia are generally not allowed. This would remove that restriction to allow travel expenses on the cost reports.
WAC 388-96-809 will allow a security held pursuant to this section to be released to the contractor if the new contractor assumes all liability. Previously, it was not clear what the proper and allowed course was in these situations.

Reasons supporting proposal: These proposed changes will increase WAC clarity, keep practices on pace with technology, and increase consistency in the cost reports.

Statutory authority for adoption: RCW 74.46.431(9)

Statute being implemented:

Is rule necessary because of a:

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

DATE
February 4, 2015

NAME (type or print)
Katherine Vasquez

SIGNATURE

TITLE
DSHS Rules Coordinator

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

DATE: February 06, 2015

TIME: 3:31 PM

WSR 15-05-017

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: Elizabeth Pashley	4450 10 th Ave SE Lacey WA 98503	360-725-2447
Implementation: Elizabeth Pashley	4450 10 th Ave SE Lacey WA 98503	360-725-2447
Enforcement: Ken Callaghan	4450 10 th Ave SE Lacey WA 98503	360-725-2499

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal 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. The proposed changed rules do not impose more than minor costs on affected small businesses.

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: The proposed rules do not meet the definition of a significant legislative rule under RCW 34.05.328.