



RULE-MAKING ORDER

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

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

Permanent Rule Only

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

- Yes
 - No
- If Yes, explain:

Purpose:

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.

Citation of existing rules affected by this order:

Repealed: None
 Amended: WAC 388-96-381, WAC 388-96-738, WAC 388-96-739, WAC 388-96-718, WAC 388-96-585, WAC 388-96-809
 Suspended: None

Statutory authority for adoption: RCW 74.46.431(9)

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 15-05-017 on 02/06/15 (date).
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted:

April 6, 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: April 07, 2015
TIME: 2:13 PM
WSR 15-09-025

**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	<u>6</u>	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	_____	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>6</u>	Repealed	_____