



# RULE-MAKING ORDER

**CR-103E (July 2011)**  
**(Implements RCW 34.05.350)**

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

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) October 27, 2016

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

- Yes
  - No
- If Yes, explain:

**Purpose:**

The department is amending these rules to implement the nursing facility methodology changes from SHB 1274, found in Chapter 2, Laws of 2015, 2015 2nd Special Session.

**Citation of existing rules affected by this order:**

Repealed: WAC 388-96-540, WAC 388-96-552, WAC 388-96-553, WAC 388-96-554, WAC 388-96-558, WAC 388-96-559, WAC 388-96-561, WAC 388-96-562, WAC 388-96-564, WAC 388-96-565, WAC 388-96-572, WAC 388-96-574, WAC 388-96-708, WAC 388-96-744, WAC 388-96-746, WAC 388-96-747, WAC 388-96-748, WAC 388-96-759, WAC 388-96-762, WAC 388-96-767, WAC 388-96-776, WAC 388-96-783, WAC 388-96-784, WAC 388-96-786

Amended: WAC 388-96-010, WAC 388-96-022, WAC 388-96-107, WAC 388-96-205, WAC 388-96-208, WAC 388-96-211, WAC 388-96-218, WAC 388-96-505, WAC 388-96-525, WAC 388-96-534, WAC 388-96-542, WAC 388-96-556, WAC 388-96-560, WAC 388-96-580, WAC 388-96-585, WAC 388-96-709, WAC 388-96-710, WAC 388-96-713, WAC 388-96-758, WAC 388-96-781, WAC 388-96-782, WAC 388-96-901.

Suspended: None

**Statutory authority for adoption:**

RCW 74.46.800, RCW 74.46.561(1)

**Other authority:**

**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 year 2009, 2010, 2011, 2012, or 2013, 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 statute has a deadline for the new rules of July 1, 2016. There was not enough time to complete a formal rule making process in the time allowed. Permanent rules are currently under development with stakeholder involvement.

**Date adopted:**

October 20, 2016

**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: October 27, 2016**

**TIME: 12:16 PM**

**WSR 16-22-040**

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	<u>3</u>	Amended	<u>22</u>	Repealed	<u>24</u>

**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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	<u>3</u>	Amended	<u>22</u>	Repealed	<u>24</u>