



# 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:16-04-069; 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 department is proposing to amend chapter 388-96 WAC "Nursing Facility Medicaid Payment System" in accordance with Legislative direction.

**Hearing location(s):**

Office Building 2  
DSHS Headquarters  
1115 Washington  
Olympia, WA 98504

Public parking at 11<sup>th</sup> and Jefferson. A map is available at:  
<https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>

Date: **June 6, 2017** Time: **10:00 a.m.**

**Date of intended adoption:** Not earlier than June 7, 2017  
(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](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)  
fax: (360) 664-6185

by: **5:00 p.m. June 6, 2017**

**Assistance for persons with disabilities:** Contact:  
Jeff Kildahl, DSHS Rules Consultant by May 23, 2017  
Phone: (360) 664-6092 or TTY: (360) 664-6178  
Email: [KildaJA@dshs.wa.gov](mailto:KildaJA@dshs.wa.gov)

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

The department is proposing to amend chapter 388-96 WAC in order to implement the nursing facility methodology changes from SHB 1274 found in Chapter 2, Laws of 2015, 2015 2nd Special Session, and SHB 2678, Chapter 131, Laws of 2016, 2016 Regular Session.

The department is proposing to repeal WAC 388-96-534, 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 388-96-709, WAC 388-96-744, WAC 388-96-746, WAC 388-96-747, WAC 388-96-748, WAC 388-96-762, WAC 388-96-767, WAC 388-96-776, WAC 388-96-783, WAC 388-96-784, and WAC 388-96-786. The department is proposing to amend WAC 388-96-010, WAC 388-96-022, WAC 388-96-107, WAC 388-96-122, WAC 388-96-205, WAC 388-96-208, WAC 388-96-211, WAC 388-96-218, WAC 388-96-502, WAC 388-96-505, WAC 388-96-525, WAC 388-96-542, WAC 388-96-554 WAC 388-96-556, WAC 388-96-560, WAC 388-96-580, WAC 388-96-585, WAC 388-96-710, WAC 388-96-713, WAC 388-96-758, WAC 388-96-759, WAC 388-96-781, WAC 388-96-782, and WAC 388-96-901. The department is proposing to create WAC 388-96-915, WAC 388-96-916, and WAC 388-96-917.

**Reasons supporting proposal:** Legislative direction.

**Statutory authority for adoption:** RCW 74.46.800, RCW 74.46.561(1)

**Statute being implemented:**  
SHB 1274, SHB 2678

**Is rule necessary because of a:**

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

**DATE**  
March 31, 2017

**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 03, 2017**

**TIME: 11:35 AM**

**WSR 17-08-070**

**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 <sup>th</sup> Ave SE Lacey WA 98503	(360) 725-2447
Implementation:	Peter Graham	4450 10 <sup>th</sup> Ave SE Lacey WA 98503	(360) 725-2499
Enforcement:	Peter Graham	4450 10 <sup>th</sup> 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 department has analyzed the proposed rules and determined that they do not impose more than minor costs on affected small businesses or small non-profit organizations.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Elizabeth Pashley  
Address: PO Box 45600, Lacey, WA 98503  
Phone: (360) 725-2447  
Fax: (360) 725-2641  
e-mail Elizabeth.Pashley@gmail.com

No: Please explain: