



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (October 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: October 19, 2017

TIME: 1:40 PM

WSR 17-22-012

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

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) October 20, 2017

**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 rules affected by this order:**

New: WAC 388-96-915, WAC 388-96-916, WAC 388-96-917  
 Repealed: WAC 388-96-540, WAC 388-96-552, WAC 388-96-553, WAC 388-96-554, WAC 388-96-558, WAC 388-96-559, WAC 388-96-561, WAC 388-96-562, WAC 388-96-564, WAC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.

**Reasons for this finding:** The department held a number of stakeholder meetings regarding implementation of the rules. The department held a public hearing, received comments, and the program has prepared response in the concise explanatory statement. A cost benefit analysis was also completed. The department anticipates the CR 103P will be finalized and filed before November 1, 2017. This emergency covers the time until the final becomes effective.

**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	<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 on 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	<u>3</u>	Amended	<u>22</u>	Repealed	<u>24</u>

**Date Adopted: October 19, 2017**

**Name: Katherine Iyall Vasquez**

**Title: DSHS Rules Coordinator**

**Signature:**

