



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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DATE: January 26, 2022

TIME: 1:28 PM

WSR 22-04-046

Agency: Department of Social and Health Services (department)

Subject of possible rule making: The department is considering amending the following chapters of rule to implement specific sections to SHB 1218. The department may amend other related rules as necessary.

- Chapter 388-76 WAC, Adult Family Home Minimum Licensing Requirements,
- Chapter 388-78A WAC, Assisted Living Facility Licensing Rules,
- Chapter 388-97 WAC, Nursing Homes, and
- Chapter 388-107 WAC Licensing Requirements for Enhanced Services Facilities.

The department is considering amending the rules to:

- Adopt requirements for providers to publicly post stop placement orders,
- Adopt requirements for providers to create and maintain resident rosters as well as responding to requests from ombuds for roster information,
- Incorporate new definition of resident representative,
- Replace the phrase “his or her” with appropriate gender-neutral terms.

Statutes authorizing the agency to adopt rules on this subject:

- RCW 18.20.090, Rules, regulations, and standards.
- RCW 18.51.070, Rules.
- RCW 70.97.230, Rules for implementation of chapter.
- RCW 70.128.040, Adoption of rules and standards – Negotiated rulemaking – Specialty license.

Reasons why rules on this subject may be needed and what they might accomplish:

- SHB 1218 instructs the department to require providers to create and regularly maintain resident rosters as well as provide copies to ombuds within a reasonable time.
- In order to meet requirements in SHB 1218, the department is considering amending rules for posting stop placement orders to ensure they are in a conspicuous place for the public.
- SHB 1218 replaced “his or her” with “resident” and the department plans to update the rules with appropriate gender-neutral terms.
- SHB 1218 updated the definition for “resident representative” and the department plans to revise the rules to ensure consistency with this definition.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: No other federal or state agencies regulate this subject.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The department will use a collaborative rule-making process to develop and receive comments on draft rules. Contact the department staff listed below to receive draft material and information about how to participate in the rule-making process

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

(If necessary)

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Additional comments:

Date: January 25, 2022

Name: Katherine I. Vasquez

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Signature:

