



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Aging and Long-Term Support Administration
PO Box 45600, Olympia, WA 98504-5600

March 29, 2017

AL TSA: AFH #2017-002
PROPOSED AMENDMENTS TO CHAPTER 388-76 WAC

Dear Adult Family Home Provider:

The department is considering amending or repealing sections of Chapter 388-76 of the Washington Administrative Code (WAC). These changes are needed to either be in compliance with Home and Community Based Settings (HCBS) Rules, to address resident safety concerns, or to correct or clarify language in current rule.

A CR-101 (WSR 17-07-119) was recently filed with the Office of the Code Reviser to begin the rulemaking process. The CR-101 document can be found on the AL TSA internet website under "AFH Rule Filings" at <https://www.dshs.wa.gov/altsa/residential-care-services/information-adult-family-home-providers>.

In September 2014 (AL TSA AFH #2014-015) and June 2015 (AL TSA AFH #2015-013) you were notified of the federal ruling that went into effect March 17, 2014 for HCBS. The department had worked collaboratively with Home and Community Services, Centers for Medicare and Medicaid Services and stakeholders to meet the requirements of the federal ruling, which includes only appropriate staff have keys to resident bedrooms, and adding a new section in rule outlining the federal requirements if a resident right identified in [42 CFR §441.530](#) is restricted.

Also, the department is reviewing Chapter 388-76 in its entirety by sections and making changes based on suggestions and feedback from providers, licensing staff and the Adult Family Home Council. The sections for this filing include: Resident Rights, Quality of Life, Physical Plant Basic Requirements, Fire Protection, Disaster and Emergency Preparedness, and Fire Drill Plan for Emergency Evacuation.

For rule-making questions, please contact Sherise Baltazar, Policy Program Manager, at (360) 725-3204 or sherise.baltazar@dshs.wa.gov

Sincerely,

Candace Goehring, Director
Residential Care Services

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