# Summary of WAC Changes Adopted under WSR 21-11-074

This rule making affects a large number of sections of Chapter 388-76 WAC. However, the majority of the changes are editing changes and reorganization for clarification and have no appreciable policy effect. The major changes are listed below.

WAC number:

* 388-76-10530 Resident rights – Notice of rights and services:
	+ Incorporates requirements of WAC 388-76-10520, which was then repealed, and part of WAC 388-76-10525 to describe a more complete notice of rights and services.
	+ Requires homes to disclose their monthly or per diem rate. The home can decide which measure they use.
* 388-76-10532 Resident rights – Department standardized disclosure forms:
	+ Incorporates requirements for both the Disclosure of Services and the Disclosure of Charges forms in one section.
	+ Requires the Disclosure of Charges form to be signed. The department will add a signature line to the form.
* 388-76-10540 Resident rights – Disclosure of charges – Notice requirements – Deposits:
	+ Subsections (1) and (4) moved to WAC 388-76-10532.
* 388-76-10595 Resident rights – Advocacy access and visitation rights:
	+ Ties in HCBS requirements for visitation and expands the visitation rights to anyone visiting a resident, not only family members.
* 388-76-10616 Resident rights – Transfer and discharge notice:
	+ Created this new section by splitting WAC 388-76-10615 in two. This section is regarding the notice of transfer and discharge.
	+ Clarifies that there is no trial period and that the 30-day clause allowing for transfer and discharge as soon as practicable applies when a resident has been absent for more than 30 days. A home can still discharge a resident for whom they cannot meet their care and service needs.
* 388-76-10685 Bedrooms:
	+ Removes the requirement that bedrooms be separated by sex. This allows for greater resident choice in who their roommate is and accommodates transgender residents in the bedroom matching their gender identity rather than sex at birth. Residents may still state their preference to share a bedroom with someone of the same gender or sex, and the home must accommodate this request.
	+ Requires homes to provide notice when a resident will be sharing a bedroom.
	+ Clarifies that call bells must be provided to each resident whose bedroom is outside of hearing distance from staff.
	+ Incorporates HCBS requirements around locks on bedroom doors.
* 388-76-10715 Doors – Ability to open:
	+ Clarifies that requirements for an emergency exit apply to any door designated as an emergency exit and not to other external doors not designated as an emergency exits.
* 388-76-10720 Electronic monitoring equipment – Audio monitoring and video monitoring:
	+ Allows homes to have external security monitoring without an audio component.
	+ Expands notification of video monitoring to all residents, not only those needing supervision for smoking and clarifies documentation requirements for this notice.
* 388-76-10725 Electronic monitoring equipment – Resident requested use:
	+ Prohibits adult family homes from refusing to admit a resident or from discharging a resident solely because of a request for electronic monitoring.
	+ Allows resident to set limits on time, duration, location, or type of electronic monitoring.
	+ Removes requirement that electronic monitoring must be in response to an assessed need.
	+ Allows adult family homes to disengage electronic monitoring used by the residents’ family if it violates this section.
	+ Allows adult family homes to use electronic monitoring without a video or audio component (such as global positioning systems) as required by the negotiated care plan.
* 388-76-10750 Safety and maintenance:
	+ Creates a range for hot water of 105-120 degrees.
	+ Clarifies storage requirements for toxic substances and hazardous materials and how to document allowances for resident use.
* 388-76-10805 Automatic smoke alarms:
	+ Incorporates requirements from the fire code and the international residential code into the chapter for easier compliance and enforcement.
		- Note: We have received some questions about smoke alarms that operate on wifi and the safety of using those systems in case of an internet or power outage. These systems are designed to continue functioning in the case of internet or power outage, so these systems should be regulated the same as other smoke alarm systems. However, if there is an issue and the smoke alarms are not working or the interconnection is not functioning, this would be a violation of the WAC and is a potentially citable action.
* 388-76-10810 Fire extinguishers:
	+ Specifies that fire extinguishers should be mounted.
* 388-76-10825 Space heaters, fireplaces, and stoves:
	+ Allows use of space heaters that have been certified by other laboratories besides UL.
	+ Changes requirements on the barriers around fireplaces and stoves to include they be flame-resistant and prevent contact by residents or flammable materials.
	+ Expands the barrier requirement to include heaters.
* 388-76-10850 Emergency medical supplies:
	+ Requires homes to have enough medical supplies for all residents in case of an emergency and requires the home to replenish supplies as they are used.
* 388-76-10865 Resident evacuation from adult family home:
	+ Corrects the requirement that all residents must be able to evacuate from the home without passing through another resident’s bedroom and without the use of elevators, chair lifts, or platform lifts, and that only residents who require assistance with evacuation must be able to evacuate the home without the use of stairs.
* 388-76-10895 Emergency evacuation drills – Frequency and participation:
	+ Creates allowances for residents who choose not to participate in emergency evacuation drills and directs homes how to document that choice and continue to demonstrate their ability to meet the evacuation standards.
		- Note: This policy change was already communicated to staff in Management Bulletin [R19-022](http://intra.altsa.dshs.wa.gov/docufind/MB/RCS/RCSMB2019/R19-022%20-%20Participation%20in%20Evacuation%20Drills.doc) and to providers in Provider Letter [AFH #2019-005](https://www.dshs.wa.gov/sites/default/files/ALTSA/rcs/documents/afh/019-005.pdf).