



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

September 10, 2021

**AL TSA: NH #2021-072**  
**CR 102 FILING FOR CHANGES TO CHAPTER 388-97 WAC**

Dear Nursing Facility/Home Administrator and Interested Parties:

The Department of Social and Health Services (department) is proposing amendments to [Chapter 388-97 WAC](#). The changes are being proposed to comply with changes made during the 2019 legislative session in EHB 1564. This rule making proposes to revise the definition of “direct care staff”, establish the methodology for calculating the hours per day minimum staffing standard, and amend the staffing language in WAC 388-97-0001 and WAC 388-97-1090 to include when the Director of Nursing Services hours must be included or excluded in calculating the minimum staffing standard.

Recently the department filed the CR-102 with the Office of the Code Reviser to formally propose rules for adoption. Links to the CR-102 (WSR 21-18-104) and proposed rule language are available on [AL TSA's Information for Assisted Living Facilities Professionals web page](#), under “[October 5, 2021 Rule Filings](#)”.

You may either submit comments in person or virtually at the public hearing listed below or in writing to the department’s Rules and Policies Assistance Unit (RPAU.)

The public hearing for the proposed rules is scheduled for:

**Date:** October, 5, 2021 at 10:00 AM

**Location:** This hearing will be held virtually. You can find call-in information and the virtual meeting link [here](#).

Written comments must be submitted by 5:00 PM on October 5, 2021.

Submit **email comments** to [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov).

Submit **comments via the United States Postal Service** to:

DSHS Rules Coordinator/RPAU

PO Box 45850

Olympia, WA 98504

One section of the rule being proposed for change, WAC 388-97-1090, is currently waived under [Senate Concurrent Resolution 8402](#). This proposed rule change will not take effect until the end of the COVID-19 state of emergency or until rescinded by the governor or the legislature. The remainder of the rule changes are not impacted by the current state of emergency or the suspended rules and laws.

For rule-making questions, please contact [Sondra Silverman](#), Policy Program Manager, at (360) 688-0715.

Sincerely,

Mike Anbesse, Director  
Residential Care Services

DSHS: “Transforming Lives”