



# RULE-MAKING ORDER

## CR-103E (July 2011) (Implements RCW 34.05.350)

**Agency:** Department of Social and Health Services, Children's Administration

### Emergency Rule Only

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**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 changing licensing regulations in WAC 388-148-1320 (4) and WAC 388-145-1335 (4) to include further instructions on how to proceed with applicants that have a positive TB test result due to latent TB. Latent TB will produce a positive TB test, but latent TB is not contagious, nor does it pose a risk to others. This change will allow the Division of Licensed Resources (DLR) to license these homes that otherwise meet the minimum licensing requirements with a physician's statement.

The Department is changing licensing regulations in WAC 388-148-1320 (6) and WAC 388-148-1335 (5) to include a medical exemption to the influenza vaccination for foster parents and their household members and agency staff and volunteers. The exemption requires a medical doctor's (MD) statement for a medical reason not to obtain the influenza vaccination because it would result in severe medical consequences to the person and there is no other form of the influenza vaccine that would not cause severe medical consequences. The basis for these provisions is the need to license appropriate and qualified homes to provide care for foster children. The current WAC language impedes DLR in being able to license these otherwise appropriate homes and there are a number of children waiting for homes. There will be no other content or language changes to WAC 388-148-1320 or WAC 388-145-1335.

**Citation of existing rules affected by this order:**

- Repealed: None
- Amended: WAC 388-148-1320, WAC 388-145-1335
- Suspended: None

**Statutory authority for adoption:** RCW 74.15.010, RCW 74.15.030, RCW 74.15.040, RCW 74.15.090, RCW 74.13.031

**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.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: See Attachment A

**Date adopted:**

September 9, 2015

**NAME (TYPE OR PRINT)**

Katherine Vasquez

**SIGNATURE**

**TITLE**

DSHS Rules Coordinator

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: September 10, 2015**

**TIME: 8:28 AM**

**WSR 15-19-038**

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	<u>2</u>	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in 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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	<u>2</u>	Repealed	_____