



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 388-145-1555(5), WAC 388-145-1600(4), WAC 388-145-1665(4), WAC 388-145-1675(1,2), and WAC 388-148-1465(3,6) as recommended by the Washington State Patrol fire protection bureau. These WAC changes affect both the Division of Licensed Resources (DLR) Group Care Facilities' WACs (chapter 388-145 WAC) and the Child Foster Home WACs (chapter 388-148 WAC). For group care facilities, the state-adopted international codes do not require facilities that are sprinkler protected to have windows that open to the outside or to have windows that are large enough for emergency personnel to enter and exit. The current WAC requires this even if the facility is sprinkler protected. Further, the state-adopted international codes require smoke detectors to be both inside and outside of all bedrooms in homes and facilities, which is different from the current WAC. Finally, foster homes without a window large enough for emergency personnel to enter and exit have been approved by the fire marshal or building official with jurisdiction to do so. Immediately changing the WAC to reflect current standards and practices implemented by the fire marshal or building official will allow such foster homes to meet minimum licensing standards. DLR is amending these WACs to align with the state-adopted international code requirements.

The department is also changing licensing regulations in WAC 388-148-1470(14,15) and 388-148-1515(9) as recommended by the Children's Administration Regional Medical Consultants. These changes are based on child safety. Additional requirements address the use of weighted blankets and clarify that neither formula nor breastmilk can be warmed in the microwave oven.

There will be no other content or language changes to the WACs that are part of this emergency rule change.

Citation of existing rules affected by this order:

Repealed:

Amended: WAC 388-145-1555(5), WAC 388-145-1600(4), WAC 388-145-1665(4), WAC 388-145-1675(1, 2), WAC 388-148-1465(3,6), WAC 388-148-1470(14,15), and WAC 388-148-1515(9)

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:

The WAC changes are being requested to align the DLR WACs with the current building code and to provide additional safety related language to the use of weighted blankets in foster homes.

Date adopted:

June 22, 2017

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: June 23, 2017

TIME: 3:13 PM

WSR 17-14-023

**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:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>7</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:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>7</u>	Repealed	_____