



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
**(Implements RCW 34.05.310)**  
Do **NOT** use for expedited rule making

**Agency:** Department of Social and Health Services, Aging and Long-Term Support Administration

**Subject of possible rule making:**

The department is considering amending and repealing the following sections in chapter 388-76 WAC, Adult Family Home Minimum Licensing Requirements: WAC 388-76-11000 Resident protection program—Investigation of reports, WAC 388-76-11004 Resident protection program—Individual defined, WAC 388-76-11005 Resident protection program—Notice to individual of preliminary finding, WAC 388-76-11010 Resident protection program—Notice to others of preliminary finding, WAC 388-76-11015 Resident protection program—Disputing a preliminary finding, WAC 388-76-11020 Resident protection program—Hearing procedures to dispute preliminary finding, WAC 388-76-11025 Resident protection program—Finalization of preliminary finding, WAC 388-76-11030 Resident protection program—Appeal of the initial order or finding, WAC 388-76-11035 Resident protection program—Reporting final findings, WAC 388-76-11040 Resident protection program—Disclosure of investigative and finding information, WAC 388-76-10685 Bedrooms, WAC 388-76-10655 Physical restraints, WAC 388-76-10660 Chemical restraints, and other rules as may be required.

**Statutes authorizing the agency to adopt rules on this subject:**

Chapter 70.128 RCW

**Reasons why rules on this subject may be needed and what they might accomplish:**

Resident Client Protection Program (RCPP) has been moved into Adult Protective Services and the rules will be administered under chapter 388-71 WAC and chapter 388-106 WAC. References to the RCPP would thus be incorrect and will be repealed from chapter 388-76 WAC. Residential Care Services is coordinating to eliminate these WAC sections at the same time Home and Community Services is incorporating them into their WACs. The CR-101s for both divisions will be filed at the same time. Repealing the rules is beneficial to or supported by the regulated entities to prevent duplication of licensing rules.

Also, the department needs to amend rules to comply with Center for Medicare and Medicaid Services new requirements for Home and Community Based Services regulations on chemical and physical restraints, psychopharmacologic medications, as well as the requirement for entrance doors to be locked by the resident with only appropriate staff having keys to doors.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** N/A

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Contact:

Amy Abbott, Adult Family Home Policy Program Manager  
PO Box 45600, Olympia, WA 98513  
Phone: 360-725-3204 Fax: 360-438-7903 TTY:  
E-mail: beckeame@dshs.wa.gov

Draft section language will be posted on ALTSA Professional internet webpage at <http://www.altsa.dshs.wa.gov/professional/afh.htm> for review and comment prior to filing the CR-102. Anyone from the public can comment directly to the Program Manager listed above via phone, email, or fax.

**DATE** December 22, 2014

**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: December 23, 2014**

**TIME: 3:02 PM**

**WSR 15-01-180**