



# 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, Developmental Disabilities Administration

**Subject of possible rule making:**

The Department is considering amending WAC 388-825-315, WAC 388-825-370 through WAC 388-825-395, and other related rules as may be required.

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

RCW 74.08.090, RCW 74.09.520

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

In the *Home Care Association of America, et. al. v David Weil, et al.* decision by the U.S. Court of Appeals, United States, for the District of Columbia, the court upheld new U.S. Department of Labor overtime rules. The new rules may require the Department to pay overtime to Individual Providers who work more than 40 hours per week. In order to ensure the cost-effective use of state funds and to maximize effective use of limited resources, the Department is considering the adoption of rules that change the allocation of personal care hours from a monthly basis to a weekly basis and that describe how the Department will respond when contractors submit invoices for services that exceed the weekly authorization.

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

NA

**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:

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**DATE**  
September 22, 2015

**NAME** (TYPE OR PRINT)  
Katherine Vasquez

**SIGNATURE**

**TITLE**  
DSHS Rules Coordinator

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**DATE: September 23, 2015**  
**TIME: 10:00 AM**  
**WSR 15-19-160**