



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 chapter 388-71 WAC "Home and community services and programs", chapter 388-106 WAC "Long-Term Care Services", 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 related to the implementation of overtime. The rules may include, but are not be limited to, rules that (1) change the allocation of personal care hours from a monthly basis to a weekly basis; (2) describe requirements related to payment for travel time and training; (3) describe DSHS client and IP responsibilities; (4) describe how the department will respond when contractors submit invoices for services that exceed the weekly authorization; and (5) are necessary to implement payment of overtime in an effective and cost-effective manner.

For the purpose of clarity, the proposed rules may define terms that are currently used, or will be used, in chapter 388-71 WAC and chapter 388-106 WAC.

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:

Angel Sullivan

ALTSA/Home and Community Services

P.O. Box 45600

Olympia, WA 98504-5600

Phone: 360-725-2495

Fax: 360-438-8633

TTY: 360-493-2637

E-mail: angel.sullivan@dshs.wa.gov

DATE

March 31, 2016

NAME (TYPE OR PRINT)

Katherine Vasquez

SIGNATURE

TITLE

DSHS Rules Coordinator

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
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