PROPOSED RULE MAKING

CR-102 (June 2012)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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

☒ **Preproposal Statement of Inquiry was filed as WSR: 15-01-179 ; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR:___; or**
☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

☒ **Original Notice**
☐ **Supplemental Notice to WSR:**
☐ **Continuance of WSR**:

Title of rule and other identifying information: (Describe Subject) The department is repealing the following sections in chapter 388-78A WAC, Assisted Living Facility Licensing Rules: WAC 388-78A-3390 Resident protection program – individual defined, WAC 388-78A-3400 Investigation of reports, WAC 388-78A-3410 Resident protection program – Notice to the individual of preliminary finding, WAC 388-78A-3420 Resident protection program – Notice to others of preliminary findings, WAC 388-78A-3430 Resident protection program – Disputing a preliminary finding, WAC 388-78A-3440 Hearing procedures to dispute preliminary finding, WAC 388-78A-3450 Resident protection program – Finalizing a preliminary finding, WAC 388-78A-3460 Resident protection program – Appeal of initial order, WAC 388-78A-3470 Resident protection program – Reporting final findings, and WAC 388-78A-3480 Resident protection program – Disclosure of investigative and finding information.

Hearing location(s):
Office Building 2
DSHS Headquarters
1115 Washington
Olympia, WA 98504

Public parking at 11th and Jefferson. A map is available at:
http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html

Date: **June 9, 2015** Time: **10:00 a.m.**

Date of intended adoption: Not earlier than June 10, 2015
(Note: This is **NOT** the **effective** date)

Submit written comments to:
Name: DSHS Rules Coordinator
Address: PO Box 45850
Olympia, WA 98504
e-mail: DSHSRPAURulesCoordinator@dshs.wa.gov
fax: (360) 664-6185
by: 5:00 p.m. June 9, 2015

Assistance for persons with disabilities: Contact:
Jeff Kildahl, DSHS Rules Consultant by May 26, 2015
Phone: (360) 664-6092 or TTY: (360) 664-6178
Email: KildaJA@dshs.wa.gov

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The 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 388-78A WAC. Residential Care Services is coordinating to eliminate these WAC sections at the same time that Home and Community Services is incorporating them into their WACs. The CR-102s for both divisions will be filed at the same time.

Reasons supporting proposal: Repealing the rules is beneficial to or supported by the regulated entities to prevent duplication of licensing rules.

Statutory authority for adoption: Chapter 74.08.090

Statute being implemented: 74.08.090

Is rule necessary because of a:

Federal Law?	☐ Yes	☒ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION:

DATE
April 30, 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: May 06, 2015
TIME: 8:31 AM

WSR 15-10-094

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Department of Social and Health Services

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Christi Pederson	P.O. Box 45600, Olympia WA 98513	360-725-2327
Implementation:	Carl Walters	P.O. Box 45600, Olympia WA 98513	360-725-2400
Enforcement:	Tim Hoekstra	P.O. Box 45600, Olympia WA 98513	360-725-3238

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

☐ Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:
Name:
Address:

Phone: ( )
Fax: ( )
e-mail

☒ No. Explain why no statement was prepared.

Under RCW 19.85.025 (3), an SBEIS is not required for rules adopting or incorporating, by reference without material change, Washington State statutes or federal statutes or regulations.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:
Name:
Address:

Phone: ( )
fax: ( )
e-mail:

☒ No: Please explain:

Under RCW 34.05.328 (5)(b)(iii), a CBA is not required for rules adopting or incorporating, by reference without material change, Washington State statutes or federal statutes or regulations.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-78A-3390	Resident protection program——Individual defined.
WAC 388-78A-3400	Investigation of reports.
WAC 388-78A-3410	Resident protection program——Notice to the individual of preliminary finding.
WAC 388-78A-3420	Resident protection program——Notice to others of preliminary findings.
WAC 388-78A-3430	Resident protection program——Disputing a preliminary finding.
WAC 388-78A-3440	Hearing procedures to dispute preliminary finding.
WAC 388-78A-3450	Resident protection program——Finalizing a preliminary finding.
WAC 388-78A-3460	Resident protection program——Appeal of initial order.
WAC 388-78A-3470	Resident protection program——Reporting final findings.
WAC 388-78A-3480	Resident protection program——Disclosure of investigative and finding information.