



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: 15-17-110 ; 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:

The Department is amending the following sections in chapter 388-76 WAC, Adult Family Home Minimum Licensing Requirements: WAC 388-76-10064 "Application—Forty-eight hour administration and business planning class training requirements.", WAC 388-76-10107 "Change of ownership—Priority processing.", WAC 388-76-10535 "Resident rights—Notice of change to services.", and WAC 388-76-10715 "Doors—Ability to open."

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: November 24, 2015 Time: 10:00 a.m.

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. November 24, 2015

Assistance for persons with disabilities: Contact:
Jeff Kildahl, DSHS Rules Consultant by November 10, 2015
Phone: (360) 664-6092 or TTY: (360) 664-6178
Email: KildaJA@dshs.wa.gov

Date of intended adoption: Not earlier than November 25, 2015
(Note: This is **NOT** the effective date)

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

The Department is amending these rules to ensure compliance with recently-passed legislation, HB 1132, and to protect the safety and well-being of residents.

Reasons supporting proposal:

This amendment will ensure the Department is in compliance with newly passed laws, and that rules are clear so that the rights and safety of residents are protected.

Statutory authority for adoption:

Chapter 70.128 RCW

Statute being implemented:

Chapter 70.128 RCW

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

DATE

October 14, 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: October 21, 2015

TIME: 11:15 AM

WSR 15-21-100

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, Aging and Long-Term Support Administration

- 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: | Candace Goerhing | P.O. Box 45600, Olympia WA 98513 | 360-725-2401 |
| Enforcement: | Bett Schlemmer | P.O. Box 45600, Olympia WA 98513 | 360-725-2404 |

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) and 34.05.310(4)(c), 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.

AMENDATORY SECTION (Amending WSR 12-01-004, filed 12/7/11, effective 1/7/12)

WAC 388-76-10064 (~~(Application Forty-eight hour administration and business planning class)~~) Adult family home administrator training requirements. (1) The applicant(~~(r)~~) and the entity representative must successfully complete the department approved (~~(forty-eight hour)~~) adult family home administration (~~(and business planning)~~) class as required in chapter 388-112 WAC.

(2) An applicant and entity representative may not be required to take the (~~(forty-eight hour)~~) adult family home administrator class if there is a change in ownership and the applicant and entity representative are already participants in the operation of a currently licensed home.

(3) An applicant and entity representative must take the (~~(forty-eight hour)~~) adult family home administrator class when the application is for an additional licensed home and the (~~(forty-eight hour)~~) class has not already been successfully taken.

(4) The class must be a minimum of forty-eight hours of classroom time and approved by the department.

(5) Under exceptional circumstances, the department may waive the administrator training class for up to four months if the application meets all the other requirements for licensure and all the components of WAC 388-76-10074.

NEW SECTION

WAC 388-76-10074 Application - Waiver of fees The department may authorize a one-time waiver of the application fees for a change of ownership or relocation, if the situation meets all of the following conditions;

(1) The current provider has experienced an exceptional circumstance such as:

(a) The death or incapacity of a spouse who was also named on the license; or

(b) The diagnosis of a terminal or debilitating illness that prevents them from running the adult family home; and

(2) Residents will be forced to move if a new provider is not licensed; and

(3) Full payment of the licensing fee would cause the applicant a financial hardship; and

(4) The application has been approved for priority processing by the local field office per WAC 388-76-10107; and

(5) Neither the applicant nor the current provider has requested a waiver of fees in the past.

AMENDATORY SECTION (Amending WSR 10-14-058, filed 6/30/10, effective 7/31/10)

WAC 388-76-10107 (~~(Change of ownership)~~) **Priority processing - Change of ownership and relocation.** In order to prevent disruption to residents, currently licensed providers may request in writing that the department give priority processing to an applicant seeking to be licensed as the new provider (~~(for the)~~) of an existing, licensed adult family home in the event of a change of ownership or relocation.

AMENDATORY SECTION (Amending WSR 15-03-037, filed 1/12/15, effective 2/12/15)

WAC 388-76-10535 Resident rights—Notice of change to services.

- (1) The adult family home must inform each resident:
 - (a) In writing; and
 - (b) In advance of changes in the availability of, or the charges for services, items, or activities, or of changes in the home's rules.
- (2) The home must:
 - (a) Provide at least fourteen days advanced notice when there has been a substantial and continuing change in the resident's condition that necessitates substantially greater or lesser services, items or activities.
 - (b) Give residents a thirty day notice prior to the effective date of the change if the home decreases services due to circumstances beyond the home's control; and
 - ~~((b))~~ (c) Give residents a ninety day notice prior to the effective date of the decrease if the home voluntarily decreases services or if the change results in the discharge of at least one resident.
- (3) The home is not required to give notice:
 - (a) If the home gives each resident written notice of the availability and charges of services, items and activities before admission, when there are changes and every twenty-four months; and
 - (b) If the resident is provided different or additional services, items or activities from the home which do not result in an additional cost to the resident.

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

WAC 388-76-10715 Doors—Ability to open. The adult family home must ensure:

- (1) Every bedroom and bathroom door opens from the inside and outside;
- (2) Every closet door opens from the inside and outside; and
- (3) ~~((All exit doors leading to the outside will open from the inside without))~~ One door leading to the outside must be designated as the primary egress and, effective January 1, 2016, must have hardware

that allows residents to exit, even when the door is locked, and also allows reentry into the home without a key, tool or ((any)) special knowledge or effort by residents.

(4) Other external exit doors not designated as the primary egress, must open without any special skills or knowledge and they must remain accessible to residents unless doing so poses a risk to the health or safety of at least one resident.

(5) All internal and external doors must comply with local jurisdictional requirements as well as the building code requirements as contained in chapter 51.51 WAC.