



# 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: 15-06-056; 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 adding the following new sections to chapter 388-110 WAC Contracted Residential Care Services: WAC 388-110-222 Enhanced adult residential care physical requirements, and WAC 388-110-242 Adult residential care physical requirements.

**Hearing location(s):**

Office Building 2  
 DSHS Headquarters  
 1115 Washington  
 Olympia, WA 98504

Public parking at 11<sup>th</sup> and Jefferson. A map is available at:  
<https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>

Date: January 26, 2016 Time: 10:00 a.m.

**Date of intended adoption:** Not earlier than January 27, 2016  
 (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](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)  
 fax: (360) 664-6185

**by: 5:00 p.m. January 26, 2016**

**Assistance for persons with disabilities:** Contact:  
 Jeff Kildahl, DSHS Rules Consultant by January 12, 2016  
 Phone: (360) 664-6092 or TTY: (360) 664-6178  
 Email: [KildaJA@dshs.wa.gov](mailto:KildaJA@dshs.wa.gov)

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

The Department is proposing these rules to comply with federal legislation around Home and Community Based Service Waivers (42 CFR 441.302).

**Reasons supporting proposal:** These rules are needed to comply with federal regulations.

**Statutory authority for adoption:** Chapter 74.39A RCW

**Statute being implemented:** Chapter 70.128 RCW

**Is rule necessary because of a:**

Federal Law?  Yes  No  
 Federal Court Decision?  Yes  No  
 State Court Decision?  Yes  No  
 If yes, CITATION:  
 42 CFR 441.302

**DATE**

December 17, 2015

**NAME** (type or print)

*Katherine M. Vasquez*

**SIGNATURE**

Katherine Vasquez

**TITLE**

DSHS Rules Coordinator

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

**DATE: December 18, 2015**

**TIME: 9:36 AM**

**WSR 16-01-122**

**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:	Candace Goehring	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:

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.

NEW SECTION

**WAC 388-110-222 Enhanced adult residential care physical requirements** Effective July 1, 2015, the contractor must ensure that, at the resident's choice, each resident has the ability to lock his/her unit door, unless otherwise indicated in the resident's NSA.

NEW SECTION

**WAC 388-110-242 Adult residential care physical requirements** Effective July 1, 2015, the contractor must ensure that, at the resident's choice, each resident has the ability to lock his/her unit door, unless otherwise indicated in the resident's NSA.