



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:
<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.

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. 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

Date of intended adoption: Not earlier than January 27, 2016
 (Note: This is **NOT** the **effective** date)

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

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 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 RCW 74.08.090

Statute being implemented: RCW 74.08.090

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

December 21, 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: December 22, 2015

TIME: 12:59 PM

WSR 16-01-172

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:

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.