



# 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: 15-01-175; 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 388-107 WAC Licensing Requirements for Enhanced Services Facilities: WAC 388-107-1450 Resident protection program definition, WAC 388-107-1460 Investigation of mandated reports, WAC 388-107-1470 Preliminary finding, WAC 388-107-1480 Notice to individual of preliminary findings, WAC 388-107-1490 Notice to others of preliminary findings, WAC 388-107-1500 Disputing a preliminary finding, WAC 388-107-1510 Hearing procedures to dispute preliminary finding, WAC 388-107-1520 Finalizing the preliminary finding, WAC 388-107-1530 Reporting final findings, WAC 388-107-1540 Appeal of administrative law judge's initial order or finding, WAC 388-107-1550 Disclosure of investigative and finding information.

**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: February 9, 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](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)  
 fax: (360) 664-6185

**by: 5:00 p.m. February 9, 2016**

**Assistance for persons with disabilities:** Contact:  
 Jeff Kildahl, DSHS Rules Consultant by January 26, 2016  
 Phone: (360) 664-6092 or TTY: (360) 664-6178  
 Email: [KildaJA@dshs.wa.gov](mailto:KildaJA@dshs.wa.gov)

**Date of intended adoption:** Not earlier than February 10, 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 388-107 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. Both divisions will file permanent CR-103s with the same effective date.

**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 71A.12 RCW

**Statute being implemented:** 71A.12 RCW

**Is rule necessary because of a:**

- Federal Law?  Yes  No
- Federal Court Decision?  Yes  No
- State Court Decision?  Yes  No

If yes, CITATION:

**DATE**

December 29, 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 30, 2015**

**TIME: 3:36 PM**

**WSR 16-02-046**

**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 388-107-1450 Resident protection program definition.
- WAC 388-107-1460 Investigation of mandated reports.
- WAC 388-107-1470 Preliminary finding.
- WAC 388-107-1480 Notice to individual of preliminary findings.
- WAC 388-107-1490 Notice to others of preliminary findings.
- WAC 388-107-1500 Disputing a preliminary finding.
- WAC 388-107-1510 Hearing procedures to dispute preliminary finding.
- WAC 388-107-1520 Finalizing the preliminary finding.
- WAC 388-107-1530 Reporting final findings.
- WAC 388-107-1540 Appeal of administrative law judge's initial order or finding.
- WAC 388-107-1550 Disclosure of investigative and finding information.