



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)**  
**(Implements RCW 34.05.310)**  
Do **NOT** use for expedited rule making

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DATE: October 18, 2017

TIME: 10:06 AM

WSR 17-21-107

**Agency:** Department of Social and Health Services, Children's Administration

**Subject of possible rule making:** The department is planning to amend licensing regulations in WAC 388-148-1320 and create WAC 388-148-1321 due to new legislative requirements from the 2017 session.

The planned changes to WAC 388-148-1320 will require fingerprint-based background checks for all persons residing in a home that will provide foster care for dependent youth who are sixteen years old and older.

The new legislation also requires the Division of Licensed Resources (DLR) to issue provisional expedited licenses for individuals that were previously licensed within the last five years when they meet the specific criteria outlined in the law. In order to meet this requirement, the department plans to create a new WAC, 388-148-1321 that describes the criteria and process to obtain a provisional expedited license.

The department is planning to amend WAC 388-145-1325 to align the DLR WAC with legislation that went into effect on January 1, 2016. The legislation requires all group care agency employees to complete a fingerprint-based background check, if the agency takes placement of Developmental Disabilities Administration (DDA) children. As any DLR licensed agency could potentially take placement of a DDA child, the decision was made to fingerprint all group care agency employees. This planned change will align the DLR WAC with the legislation and DLR's practice since January 1, 2016.

The department is planning to amend WAC 388-145-1805 based on recommendations from the Children's Administration Regional Medical Consultants. The revised WAC will clarify that neither formula nor breastmilk can be warmed in a microwave oven. These changes are planned to ensure child safety.

The department may also create, amend, or repeal other related rules as may be required as part of this rule making.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 74.15.010, RCW 74.15.030, RCW 74.15.040, RCW 74.15.090, RCW 74.13.031, RCW 74.39A.056, RCW 43.43.832, and Laws of 2017 chapter 20 §4, which will create a new section in chapter 74.15 RCW

**Reasons why rules on this subject may be needed and what they might accomplish:** The WAC revision to 388-148-1320 and the creation of WAC 388-148-1321 are to implement the new 2017 legislative requirements. WAC 388-148-1320 now requires all persons residing in a foster home that are sixteen years or older to fingerprint. This will provide a more in-depth background check on 16 and 17-year-olds in foster homes, to increase child safety. WAC 388-148-1321 will allow foster parents that were licensed in the previous five years and who meet the other eligibility requirements to be issued a provisional expedited license, much earlier than the current practice of obtaining a full foster care license. This will increase placement resources by allowing foster placements to be made in homes with an expedited license, while those homes continue to complete the full foster care license.

WAC revision 388-145-1325 is to align the DLR WAC with legislation that went into effect on January 1, 2016, that requires group care agency employees to complete a fingerprint-based background check when caring for DDA youth. Again because any DLR licensed agency could take placement of a DDA youth the decision was made to fingerprint all employees at all DLR licensed group care facilities.

WAC revision 388-145-1805 is to provide an additional safety requirement by clarifying that neither formula or breastmilk can be warmed in the microwave oven. This WAC change is specific to infant and child safety.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** N/A

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rulemaking. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

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(If necessary)

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Additional comments:

**Date:** October 17, 2017

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**

