



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: July 18, 2018

TIME: 9:14 AM

WSR 18-15-093

**Agency:** Department of Social and Health Services, Aging and Long-Term Support Administration

**Subject of possible rule making:** The department is planning to amend WAC 388-106-0905(3) to correct an eligibility error for Medical Care Services (MCS) that occurred during the implementation of the Community First Choice program.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 74.08.090

**Reasons why rules on this subject may be needed and what they might accomplish:** At the time of implementing the Community First Choice program, the department changed the eligibility for Medicaid Personal Care to exclude Nursing Facility Level of Care (NFLOC), which inadvertently changed eligibility for MCS. The department filed an emergency rule as WSR 18-14-009 on June 22, 2018 that restores NFLOC eligibility for MCS. Without the rule change, vulnerable people with no other options for care may be harmed.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** None

**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 rule making. 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:** July 17, 2018

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**