



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: October 17, 2018

TIME: 10:05 AM

WSR 18-21-113

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 388-79A-005 "Maximum amount of guardianship fees and related costs for a long-term care Medicaid eligible client" and other related rules as may be required.

Statutes authorizing the agency to adopt rules on this subject: RCW 43.20B.460, RCW 11.92.180, RCW 74.08.090

Reasons why rules on this subject may be needed and what they might accomplish: The department intended to create two classes of clients with guardians: class (1) – those who had the most recent guardianship-related court order signed before June 1, 2018; and class (2) – those with the order signed on or after June 1, 2018. Language in WAC 388-79A-005 could be read to create a third class of clients with guardians, along with the intended two: those who had their guardianship established prior to June 1, 2018, but had the most recent guardianship-related order signed on or after June 1, 2018. Under this reading, inconsistent with the rest of chapters 388-79A WAC and 182-513 WAC, this third class of clients would have no enumerated limits on fees or costs under chapter 388-79A WAC, and therefore no deductions would be allowed under the WAC 388-79A-015, RCW 11.92.180, and RCW 43.20B.460.

The department intends to clarify that there is no third class, and that these clients fall under class (2), and therefore fee and costs deductions would be allowed under WAC 182-513-1530.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Health Care Authority

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)

Name:
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Additional comments:

Date: October 16, 2018	Signature: 
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	