



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: March 31, 2020

TIME: 10:51 AM

WSR 20-08-110

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

Subject of possible rule making: The department is considering amending the following sections in chapter 388-76 WAC, Adult Family Home Minimum Licensing Requirements: WAC 388-76-10000 Definitions, WAC 388-76-10030 License capacity, WAC 388-76-10037 License requirements – Multiple adult family homes – Additional homes, WAC 388-76-10055 Application – Generally, WAC 388-76-10192 Liability insurance required – Commercial general liability insurance or business liability insurance coverage, WAC 388-76-10700 Building official – Inspection and approval, WAC 388-76-11050 Management agreements – General, WAC 388-76-11055 Management agreements – Adult family home, WAC 388-76-11060 Terms of the management agreement, WAC 388-76-11065 Management agreements – Department review, and WAC 388-76-11070 Management agreements – Resident funds. The department is also considering creating new rule sections related to applying for a capacity increase, and may amend other related rules as required.

Statutes authorizing the agency to adopt rules on this subject: RCW 70.128.040

Reasons why rules on this subject may be needed and what they might accomplish: This rule making is necessary to incorporate ESHB 1023, 2020 Regular Session, into the rules. This passed legislation allows certain adult family home providers to increase their capacity from six residents to eight. This rule making is also intended to address challenges that the adult family home industry is facing with complying with the liability insurance requirements in the current rules, and to clarify use, implementation, and enforcement of management agreements.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: No other federal or state agencies regulate this subject.

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

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) Consistent with RCW 70.128.040(2)(a), the department will consult with all divisions and administrations within the department serving the various populations living in adult family homes for the purpose of assisting the department in developing rules and standards appropriate to the different needs and capacities of the various populations served by adult family homes. In addition, the department will notify all stakeholders of the opportunity to participate in development, review, and comment on draft rules regarding their form and content prior to proposing rules for adoption.

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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Additional comments:

Date: March 31, 2020	Signature: 
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