



# 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 29, 2020

TIME: 8:59 AM

WSR 20-16-069

**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 rules to identify the period of time Tuberculosis testing is suspended or waived during the declared emergency of COVID-19 per Proclamation by the Governor 20-05.

For Adult Family Homes: WAC 388-76-10265, Tuberculosis-Testing-Required; and WAC 388-76-10285, Tuberculosis-Two step skin testing; and WAC 388-76-10290(1), Tuberculosis-Positive test result.

For Assisted Living Facilities: WAC 388-78A-2480(1), Tuberculosis-Testing-Required; and WAC 388-78A-2484, Tuberculosis-Two step skin testing; and WAC 388-78A-2485(1) Tuberculosis-Positive test result.

For Enhanced Services Facilities: WAC 388-107-0460(1), Tuberculosis (TB)-Testing-Required; and WAC 388-107-0490, Tuberculosis (TB) Two step skin testing.

For Providers of Providers of Residential Services and Supports: WAC 388-101D-0650(1), What Must a Group Training Home do to Detect and Manage Tuberculosis?; and WAC 388-101D-0660(3), When is a Group Training Home Employee Not Required to Complete a Tuberculin Test?

The department may amend other related rules as may be required.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 70.128.040, RCW 71A.12.030, Chapter 18.20 RCW, Chapter 70.97 RCW

**Reasons why rules on this subject may be needed and what they might accomplish:** This rule making is necessary to establish a timeframe when long-term care facility employees and residential service and support providers employees are or were not required to be screened for tuberculosis due to the unavailability of tuberculosis testing which was suspended or waived during the COVID-19 pandemic.

**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, assisted living facilities, and enhanced services facilities; and served by residential services and support providers 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 these facilities. 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:** July 29, 2020

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**

A handwritten signature in blue ink, appearing to read "Katherine I. Vasquez", with a long, sweeping flourish extending to the right.