



# 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: September 02, 2020

TIME: 8:33 AM

WSR 20-18-089

**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 388-71-0100, What are the statutory references for WAC 388-71-0100 through 388-71-01281? through WAC 388-71-01281, To whom does the department report a final substantiated finding against a nursing assistant employed in a nursing facility or skilled nursing facility?, and other related rules as may be required.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 74.34.068, RCW 74.34.165, 42 U.S.C. Sec. 1396r(g)(1)(D), 42 U.S.C. Sec. 1395i-3(g)(1)(D)

**Reasons why rules on this subject may be needed and what they might accomplish:** Because Adult Protective Services (APS) is now a separate division within the Aging and Long-Term Support Administration (AL TSA), rules will be recodified to a new rule chapter; in response to *Crosswhite v. DSHS*, 389 P.3d 731, 197 Wn. App. 539 (2017), a definition of "willful" will be added; to memorialize the process, rules will be updated to include the petition process for nursing assistants; and other changes in grammar, structure, and consistency may be made.

**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 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:**

(If necessary)

Name: Will Reeves  
 Address: PO Box 45600  
 Olympia, WA 98504  
 Phone: 360-485-3715  
 Fax: 360-438-8633  
 TTY: 800-833-6388  
 Email: william.p.reeves@dshs.wa.gov  
 Web site:  
 Other:

Name:  
 Address:  
 Phone:  
 Fax:  
 TTY:  
 Email:  
 Web site:  
 Other:

Additional comments:

**Date:** September 1, 2020

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**