



# PREPROPOSAL STATEMENT OF INQUIRY

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

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: June 17, 2022

TIME: 10:10 AM

WSR 22-13-121

**Agency:** Department of Social and Health Services (DSHS) (department)

**Subject of possible rule making:** DSHS is considering amending WAC 388-76-10350, 388-78A-2100, and 388-107-0080 to extend timelines for resident assessments and other related rules as required.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 18.20.090, 70.97.230, and 70.128.040.

**Reasons why rules on this subject may be needed and what they might accomplish:** Because of the COVID-19 public health emergency, Home and Community Services (HCS) temporarily suspended completing reassessments for HCS clients living in adult family homes, assisted living facilities, and enhanced services facilities. The department filed emergency rules suspending the required deadlines for completing these assessments on February 24, 2022 under WSR 22-06-042. The intent of the suspension is to allow case managers to focus on completing assessments on patients in hospitals, easing the capacity challenges in hospitals by allowing those patients to be discharged to long-term care facilities. Because HCS clients must have an assessment completed by a case manager, facilities are not able to complete this regulatory requirement while HCS is not completing reassessments. DSHS is considering rulemaking to capture the timeline of this emergency suspension in rule.

**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) DSHS will use a collaborative rule-making process to develop and receive comments on draft rules. Contact the DSHS staff listed below to receive draft material and information about how to participate in the rule-making process.


**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

Name: Libby Wagner  
 Address: PO Box 45600, Olympia, WA 98504  
 Phone: (360-464-0487  
 Fax: (360) 438-7903  
 TTY:  
 Email: [libby.wagner@dshs.wa.gov](mailto:libby.wagner@dshs.wa.gov)  
 Web site:  
 Other:

(If necessary)

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

Additional comments:

<b>Date:</b> June 17, 2022	<b>Signature:</b> 
<b>Name:</b> Katherine I. Vasquez	
<b>Title:</b> DSHS Rules Coordinator	