



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: August 11, 2023

TIME: 2:05 PM

WSR 23-17-058

Agency: Department of Social and Health Services (department), Aging and Long-Term Support Administration, RCS

Subject of possible rule making: The department is considering amending WAC 388-76-10780, Toilets and bathing facilities. to clarify requirements for homes licensed after August 1, 2023, that have a licensed capacity of more than five. The department may amend other related rules as necessary.

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: The department is considering updates to clarify requirements for toilet access in adult family homes licensed for more than five residents. This action was also requested by a member of the community. The current rule language had attempted to ensure resident access to two toilets in homes licensed for more than five. But the rule has an unintended requirement that a resident must not have to go through another person's room to access any toilet. Most homes have one primary bathroom and one or more bathrooms accessed through bedrooms. Modifying the requirements will enable residents in homes licensed for more than five to have access to two toilets while allowing more homes to be licensed without taking on unanticipated construction projects to meet WAC requirements.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The Washington State Building Code Council oversees state building codes. The department will confirm consistency with the state requirements and consult as necessary.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

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: August 11, 2023

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Signature: