



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: May 15, 2025

TIME: 10:59 AM

WSR 25-11-052

Agency: Department of Social and Health Services (department), Home and Community Living Administration, RCS

Subject of possible rule making: The department is considering amending and adding new sections to the following chapters and associated sections: **Chapter 388-76 WAC, Adult Family Home Minimum Licensing Requirements:** WAC 388-76-10000, Definitions., 388-76-10164, Background checks—Results—Duty to inform., and 388-76-10161, Background checks—Who is required to have., **Chapter 388-78A WAC, Assisted Living Facility Licensing Rules:** WAC 388-78A-2020, Definitions., 388-78A-2465, Background check—Results—Inform, and 388-78A-2462 Background checks—Who is required to have. **Chapter 388-97 WAC, Nursing Homes:** WAC 388-97-0001, Definitions., Background check—Results—Inform, and 388-97-1800, Criminal history disclosure and background inquiries. **Chapter 388-107 WAC, Licensing Requirements for Enhanced Services Facilities:** WAC 388-107-0001, Definitions, 388-107-1210, Background checks—Who is required to have, and 388-107-1240 Background check—Results—Inform. This rulemaking may result in adopting new sections of rule. As needed, amendments will also make changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations. Updates to other related rules may be required.

Statutes authorizing the agency to adopt rules on this subject: Engrossed Substitute House Bill 1385, Engrossed Substitute House Bill 1395, and Substitute House Bill 1490. RCW 18.20.090, 18.51.070, 70.97.230, and 70.128.040

Reasons why rules on this subject may be needed and what they might accomplish: In alignment with [ESHB 1385](#), [ESHB 1395](#), and [SHB 1490](#), passed during the 2025 Washington state legislative session, the department is considering rule making to align with the process requirements for fingerprint-based background checks under the National Crime Prevention and Privacy Compact, integrate streamlined background check requirements for home care agency providers, update definitions, and provide clarity on background checks for rehired employees.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The department will discuss proposed changes with the Washington State Patrol and the Facilities, Finance, and Analytics Administration.

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

- ☒ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study

☒ Other (describe) Collaborative rulemaking-the department invites the public to give input on the draft language for proposed rule changes. More information is available through contacting the RCS Policy Unit as provided 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:

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(If necessary)

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Additional comments:

Date: May 15, 2025	Signature: 
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	