



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)**

**(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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**DATE: June 25, 2025**

**TIME: 10:32 AM**

**WSR 25-14-041**

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

**Subject of possible rule making:** The department is considering amending the following sections in Chapter 388-76 WAC: WAC 388-76-10045 Licensing—Certain state employees and employee household members—Prohibited, 388-76-10120 License—Must be denied, 388-76-10125 License—May be denied, 388-76-10315 Resident Record-Required, 388-76-10320 Resident record-Content, 388-76-10715 Doors-Ability to open, 388-76-10895 Emergency evacuation drills—Frequency and participation and 388-76-10930 Plan of correction (POC)—Required. This rulemaking may result in adopting new sections of rule and repealing existing sections of rule. Updates to other related rules may be required. 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.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 70.128.040, RCW 70.128.065, 45 C.F.R. §1324.11(e)(2)

**Reasons why rules on this subject may be needed and what they might accomplish:** This proposal combines previous proposals filed under WSR 25-10-008 and 25-10-009 (both withdrawn) and includes additional subject matter. DSHS received a petition requesting the department update the chapter to align with federal requirements for long-term care ombuds access to resident records. DSHS also received a petition requesting a change in the requirement for adult family providers to conduct emergency evacuation drills from every “sixty days” to every “two months”. The change will reduce the burden on adult family home providers who must count 60 calendar days from each drill to ensure they comply with the timeframe. Other updates are needed to clarify when an AFH license cannot be granted to a DSHS employee or household member of the employee, to clarify when an adult family home license must or may be denied to a multiple home provider, to remove the requirement that the resident record contain the resident’s social security number, to add a requirement to keep the notice of rights and services in the resident record, to add a minimum interior door width requirement, to require RCS approval of modifications or new construction of resident bedrooms occurring after licensure, and to clarify requirements for provider plan of correction. These changes will maintain residents rights and safety, give clarity that will help adult family home providers comply with the rules, and remove certain barriers to licensure.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** n/a. The department will reference 45 C.F.R. §1324.11(e)(2) to confirm consistency.

**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 by contacting the RCS Policy Unit as provided below.

**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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Name:  
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|--------------------------------------|--|---|--|
| Other:                               |  | Other:  |  |
| Additional comments: none            |  |   |  |
| <b>Date:</b> June 25, 2025           |  | <b>Signature:</b><br> |  |
| <b>Name:</b> Katherine I. Vasquez    |  |   |  |
| <b>Title:</b> DSHS Rules Coordinator |  |   |  |