



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: June 30, 2025

TIME: 11:50 AM

WSR 25-14-078

Agency: Department of Social and Health Services, Home and Community Living, RCS

Subject of possible rule making: The department is seeking to correct references to repealed pharmacy codes in chapter 246-865 WAC, "Pharmaceutical Services—Extended Care Facility" and 246-888 WAC, "Medication Assistance", in: Adult Family Homes: WAC 388-76-10440, "Medication—Assessment—Identification of amount of assistance needed when taking medications." and 388-76-10450, "Medication—Self-administration with assistance." Assisted Living Facilities: 388-78A-2320, "Intermittent nursing services systems." and 388-78A-2250, "Alteration of medications." Enhanced Services Facilities: 388-107-0320, "Medication Services." Nursing Homes: 388-97-3780, "Pharmacies in new construction." and 388-97-1300, "Pharmacy Services." The department is considering amending 388-76-10450, Medication—Self-administration with assistance, 388-78A-2032, Assisted living facility license not required; and other related rules as may be required to implement SHB 1720 (Chapter 26, Laws of 2025).

- **Statutes authorizing the agency to adopt rules on this subject:**
- Adult Family Homes: RCW 70.128.040, "Negotiated rule making."
- Assisted Living Facilities: RCW 18.20.090, "Rules, regulations, and standards."
- Enhanced Services Facilities: RCW 70.97.230, "Rules for implementation of chapter."
- Nursing Homes: RCW 18.51.070, "Rules."

Reasons why rules on this subject may be needed and what they might accomplish: The purpose of this change is to correct references of repealed codes in chapters 246-865 and 246-888 WAC to the updated chapter 246-945 WAC. In 2021, the Pharmacy Quality Assurance Commission (PQAC) completed a process of consolidating and reorganizing chapters of pharmacy rules under title 246 WAC into one chapter of PQAC rules. During this process, there were several pharmacy chapters that were repealed and replaced by chapter 246-945 WAC. The rules still exist; however, the citation has changed, making it necessary for the department to correct the references to the inactive pharmacy codes.

This rule making is necessary to implement SHB 1720 (Chapter 26, Laws of 2025). The amendments to WAC 388-76-10450, will align with the updated terminology in SHB 1720 by removing the phrase "prefilled insulin syringes" and replacing it with "setting up diabetic devices for self-administration or handing injectable medications to an individual for self-administration." The amendments to 388-78A-2032, will align with the updated terminology in SHB 1720 by replacing the following language "Medication assistance which may include reminding or coaching the nonresident individual, opening the nonresident individual's medication container, using an enabler, and handing prefilled insulin syringes to the nonresident individual" and replace with "Medication assistance which may include reminding or coaching the nonresident individual, opening the nonresident individual's medication container, using an enabler, with setting up diabetic devices for self-administration or handing injectable medications to an individual for self-administration."

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: NA

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:

(If necessary)

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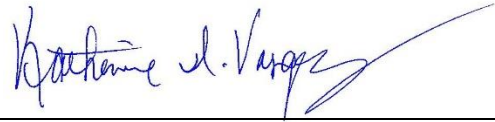
Additional comments:

Date: June 30, 2025

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:

A handwritten signature in blue ink, appearing to read "Katherine I. Vasquez", with a long, sweeping flourish extending to the right.